STATE OF NEW YORK

5152

2023-2024 Regular Sessions

IN ASSEMBLY

March 3, 2023

Introduced by M. of A. ANDERSON, GONZALEZ-ROJAS, KELLES, EPSTEIN, FAHY, TAPIA, SEPTIMO, ZINERMAN, DAVILA, DE LOS SANTOS, GIBBS, SIMON, BURGOS -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to the creation of a "purple alert system" for missing victims of domestic violence

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The executive law is amended by adding a new section 837-x to read as follows:

§ 837-x. Purple alert system; missing victims of domestic violence. 1. With the cooperation of the department of transportation, the office of the governor, and other appropriate law enforcement agencies in the state, the division shall develop and implement a statewide purple alert system to be activated on behalf of a missing victim of domestic violence, as defined in subdivision one of section four hundred fifty-nine-a of the social services law, who has elected to participate in the purple alert system.

2. The commissioner shall designate a statewide coordinator of the purple alert system. The commissioner shall adopt rules and issue directives as necessary to ensure proper implementation of the purple alert system. The rules and directives shall include:

(a) the procedures to be used by a law enforcement agency to verify whether a victim of domestic violence is missing;

(b) a description of the circumstances under which a law enforcement agency is required to report a missing victim of domestic violence to the division;

(c) the procedures to be used by an individual or entity to report information about a missing victim of domestic violence to designated media outlets in the state;

(d) guidelines for releasing only the information necessary in order to protect the privacy of a missing victim of domestic violence for whom

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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a purple alert has been issued, including compliance with the Health Insurance Portability and Accountability Act of 1996;

(e) forms for use by law enforcement agencies in requesting activation of the purple alert system; and

(f) a determination as to how an individual shall elect to participate in such alert system.

3. (a) The purple alert system shall include all state agencies capable of providing urgent and timely information to the public, together with broadcasters, private commercial entities and state or local governmental entities who volunteer to participate in the dissemination of urgent public information.

(b) Such alert system shall include, but shall not be limited to, the division, the New York lottery and the department of transportation, which shall establish a plan for providing information to the public through an existing system of dynamic message signs located across the state.

4. A law enforcement agency shall notify the division if the agency receives a report regarding a missing victim of domestic violence who is determined by the agency to be a participant in the purple alert system.

5. (a) When a law enforcement agency notifies the division, the division shall confirm the accuracy of the information and, if confirmed, immediately issue an alert under this section in accordance with division rules.

(b) In issuing the alert, the division shall send the alert to media outlets in the state, in accordance with subdivision three of this section. Following receipt of the alert, participating media outlets may issue the alert at designated intervals to assist in locating the missing victim of domestic violence.

(c) Upon activation of the purple alert system, the division may request interstate activation in a neighboring state or Canadian province if warranted. If an activation area is adjacent to a border, the United States Customs and Border Patrol and Canadian Customs shall also receive notification.

(d) The alert must include:

(i) all appropriate information that is provided by the law enforcement agency under this section and that may lead to the safe recovery of the missing victim of domestic violence; and

(ii) a statement instructing any person with information related to the missing victim of domestic violence to contact the applicable law enforcement agency.

(e) The commissioner shall terminate any activation of the alert with respect to a particular missing victim of domestic violence not later than the earlier of the date on which:

(i) the missing victim of domestic violence is located, or the situation is otherwise resolved; or

(ii) the notification period ends, as determined by the division's rules.

(f) A law enforcement agency that locates a missing victim of domestic violence who is the subject of an alert under this section shall notify the division as soon as possible that the missing victim of domestic violence has been located.

6. The department of transportation is not required to use any existing system of dynamic message signs in a statewide alert system created under this section if the department of transportation receives notice from the United States Department of Transportation Federal Highway Administration that the use of the signs would result in the loss of

federal highway funding or other punitive actions taken against the state due to noncompliance with federal laws, regulations, or policies.

§ 2. This act shall take effect on the thirtieth day after it shall have become a law.