STATE OF NEW YORK

2274

2023-2024 Regular Sessions

IN SENATE

January 19, 2023

Introduced by Sens. PALUMBO, BORRELLO, GALLIVAN, OBERACKER, STEC -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the executive law, in relation to enacting "Gabby's law" establishing a coordinated law enforcement adult rescue "teal alert" for missing adults

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

Section 1. Short title. This act shall be known and may be cited as "Gabby's law" establishing a "teal alert".

§ 2. The executive law is amended by adding a new section 837-f-3 to read as follows:

§ 837-f-3. Coordinated law enforcement adult rescue alert for missing adults. 1. Definitions. As used in this section:

(a) "Adult" means a person who is eighteen years of age or older but younger than sixty-five years of age.

(b) "Alert" means the statewide coordinated law enforcement adult rescue alert for missing adults that is developed and implemented under this section.

(c) "Bodily injury" means physical pain, illness, or any impairment of physical condition.

(d) "Local law enforcement agency" means a local law enforcement agency with jurisdiction over the investigation of a missing adult.

2. With the cooperation of the department of transportation, the office of the governor, and other appropriate law enforcement agencies in this state, the division shall develop and implement a system to allow a statewide alert to be activated on behalf of a missing adult.

3. (a) The commissioner shall be the statewide coordinator of the alert system.

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

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(b) The commissioner shall adopt rules and issue directives as necessary to ensure proper implementation of the alert system. The rules and directives shall include:

(i) the procedures to be used by a local law enforcement agency to verify whether an adult is missing and whether circumstances indicate that:

(A) the missing adult is in imminent danger of bodily injury or death; or

(B) the disappearance of the missing adult may not have been voluntary, including cases of abduction or kidnapping; and

(C) the missing adult's disappearance poses a credible threat to the safety and health of the individual or another identifiable person and under such circumstances also deemed appropriate by law enforcement;

(ii) a description of the circumstances under which a local law enforcement agency is required to report a missing adult to the division; and

(iii) the procedures to be used by an individual or entity to report information about a missing adult to designated media outlets in this state.

(c) The commissioner shall prescribe forms for use by local law enforcement agencies in requesting activation of the alert system.

4. The division shall recruit public and commercial television and radio broadcasters, private commercial entities, state or local governmental entities, the public, and other appropriate persons to assist in developing and implementing the alert system.

5. (a) A state agency participating in the alert system shall:

(i) cooperate with the division and assist in developing and implementing the alert system; and

(ii) establish a plan for providing relevant information to its officers, investigators, or employees, as appropriate, once the alert system has been activated.

(b) In addition to its duties as a state agency under paragraph (a) of this subdivision, the department of transportation shall establish a plan for providing relevant information to the public through an existing system of dynamic message signs located across the state.

6. (a) A local law enforcement agency shall notify the division if the agency:

(i) receives a report regarding a missing adult;

(ii) verifies that at the time the adult is reported missing:

(A) the person reported missing is eighteen years of age or older but younger than sixty-five years of age;

(B) the adult's location is unknown; and

(C) the adult has been missing for less than seventy-two hours;

(iii) confirms that a preliminary investigation has taken place with respect to the disappearance and that, as a result of that investigation, the agency believes that the adult is missing under circumstances described by subparagraph (i) of paragraph (b) of subdivision three of this section; and

(iv) believes sufficient information is available to disseminate to the public that could assist in locating the adult, a person suspected of abducting or kidnapping the adult, or a vehicle suspected of being used by the adult or in any abduction or kidnapping of the adult.

(b) The division may modify the criteria described by paragraph (a) of this subdivision as necessary for the proper implementation of the alert system.

7. (a) When a local law enforcement agency notifies the division pursuant to subdivision six of this section, the division shall confirm the accuracy of the information and, if confirmed, immediately issue an alert under this section in accordance with the division's rules and directives under subdivision three of this section.

(b) The division may issue the alert on its own initiative, without receiving the notification described by paragraph (a) of this subdivision, if the issuance conforms to the division's rules and directives and if the criteria described by paragraph (a) of subdivision six of this section are satisfied.

(c) In issuing the alert, the division shall send the alert to designated media outlets in this state. Following receipt of the alert, participating radio stations and television stations and other participating media outlets may issue the alert at designated intervals to assist in locating the missing adult.

(d) The division shall also send the alert to:

(i) any appropriate law enforcement agency;

(ii) the department of transportation;

(iii) the New York lottery; and

(iv) the independent bankers association of New York state.

8. The alert shall include:

(a) all appropriate information that may lead to the safe recovery of the missing adult, as determined by the division; and

(b) a statement instructing any person with information related to the missing adult to contact a local or state law enforcement agency.

9. (a) The commissioner shall terminate any activation of the alert with respect to a particular missing adult not later than the earlier of the date on which:

(i) the missing adult is located or the situation is otherwise resolved; or

(ii) the notification period ends, as determined by division rule.

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

10. (a) Notwithstanding paragraph (b) of subdivision five of this section, 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 such department receives notice from the United States department of transportation federal highway administration that the use of such signs would result in the loss of federal highway funding or other punitive actions taken against this state due to noncompliance with federal laws, regulations, or policies.

(b) Not later than one year after the effective date of this section, the division shall submit to the governor, the temporary president of the senate, and the speaker of the assembly a report containing the results of the study conducted pursuant to paragraph (a) of this subdivision, including any recommendations for proposed legislation.

§ 3. This act shall take effect immediately.