STATE OF NEW YORK

6890

2023-2024 Regular Sessions

IN SENATE

May 12, 2023

Introduced by Sens. MARTINEZ, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Finance

AN ACT to amend the executive law, in relation to establishing a missing persons unit within the division of state police; to amend the executive law, in relation to adding women to the responsibility of the missing and exploited children clearinghouse; to amend the state finance law, in relation to the missing and exploited women and children clearinghouse fund; and to amend the tax law, in relation to the gift for missing and exploited women and children clearinghouse fund

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 236 to read as follows:

§ 236. Missing persons unit. There is hereby established within the division of state police the missing persons unit, which shall be a specialized unit having advanced training in responding to missing persons reports. The missing persons unit shall work in conjunction with the missing and exploited women and children clearinghouse and perform tasks related to investigating missing persons reports.

§ 2. Section 837-f of the executive law, as added by chapter 880 of the laws of 1986, subdivision 10-a as added by chapter 600 of the laws of 1997, subdivision 12 as amended by chapter 579 of the laws of 1997, subdivision 14 as amended by chapter 381 of the laws of 2004 and paragraph (c) of subdivision 14 as amended by chapter 348 of the laws of 2005, is amended to read as follows:

§ 837-f. Missing and exploited **women and** children clearinghouse. There is hereby established within the division a missing and exploited **women and** children clearinghouse to provide a comprehensive and coordinated approach to the tragic problems of missing and exploited **women and** children. In addition to the activities of the statewide central register for missing **women and** children, the commissioner shall be authorized to:

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

LBD10979-02-3

1. Plan and implement programs to ensure the most effective use of federal, state and local resources in the investigation of missing and exploited **women and** children;

2. Exchange information and resources with other states, and within New York state, concerning missing and exploited **women and** children;

3. Establish a case data base which will include nonidentifying information on reported **women and** children and facts developed in the phases of a search, and analyze such data for the purposes of: assisting law enforcement in their current investigations of missing and exploited **women and** children, developing prevention programs and increasing understanding of the nature and extent of the problem; and share the data and analysis on a regular basis with the National Center for Missing and Exploited Children;

4. Disseminate a directory of resources to assist in the locating of missing **women and** children;

5. Cooperate with public and private schools and organizations to develop education and prevention programs concerning **women and** child safety for communities, parents and children;

6. Provide assistance in returning recovered **women and** children who are located out-of-state;

7. By January first, nineteen hundred eighty-seven arrange for the development of a curriculum for the training of law enforcement personnel investigating cases involving missing and exploited children; **and further by January first, two thousand twenty-five include in the curriculum for the training of law enforcement concerning missing and exploited women and missing and exploited women and children of color and indigenous descent;**

8. Assist federal, state and local agencies in the investigation of cases involving missing and exploited **women and** children;

9. Utilize available resources to duplicate photographs and posters of **women and** children reported as missing by police and with consent of parents, guardians or others legally responsible, disseminate this information throughout the state;

10. Beginning on January first, nineteen hundred eighty-seven, disseminate, on a regular basis, a bulletin containing information on children in the missing children's register to the state education department which shall then forward such bulletin to every public and private school where parents, guardians or others legally responsible for such children have given consent;

10-a. (a) By November first, nineteen hundred ninety-seven prescribe general guidelines to enable the state legislature and state agencies to assist in the location and recovery of missing **women and** children. The guidelines shall provide information relating to:

(i) the form and manner in which materials and information pertaining to missing **women and** children including but not limited to biographical data and pictures, sketches or other likenesses may be included in stationery, newsletters and other written or electronic printings;

(ii) appropriate sources from which such materials and information may be obtained;

(iii) the procedures by which such materials and information may be obtained; and

(iv) any other matter the clearinghouse considers appropriate.

(b) By January first, nineteen hundred ninety-eight arrange for the transmission of biographical information and pictures, sketches or other likenesses of missing **women and** children to state agencies, departments and the legislature to use in printings.

11. Operate a toll-free twenty-four hour hotline for the public to use to relay information concerning missing **women and** children;

12. Submit an annual report to the governor and legislature regarding the activities of the clearinghouse including statistical information involving reported cases of missing **women and** children pursuant to section eight hundred thirty-seven-m of this article and a summary of the division's efforts with respect to the use of monies from the missing and exploited **women and** children clearinghouse fund created pursuant to section ninety-two-w of the state finance law; and

13. Take such other steps as necessary to assist in education, prevention, service provision and investigation of cases involving missing and exploited **women and** children.

14. (a) In consultation with the division of state police and other appropriate agencies, develop, and regularly update and distribute, model missing **woman or** child prompt response and notification plans, which shall be available for use, in their discretion, as appropriate, by local communities and law enforcement personnel. Such plans shall involve a pro-active, coordinated response, planned in advance, that may be promptly triggered by law enforcement personnel upon confirmation by a police officer, peace officer or police agency of a report of a missing **woman or** child, as defined in subdivision one of section eight hundred thirty-seven-e of this article.

(b) Such plans shall, at a minimum, provide that:

(i) the name of such missing **woman or** child, a description of the **woman or** child and other pertinent information may be promptly dispatched over the police communication system, pursuant to subdivision three of section two hundred twenty-one of this chapter;

(ii) such information may be immediately provided orally, electronically or by facsimile transmission to one or more radio stations and other broadcast media outlets serving the community including, but not limited to, those which have voluntarily agreed, in advance, to promptly notify other such radio stations and other broadcast media outlets in like manner;

(iii) such information may be immediately provided by electronic mail message to one or more internet service providers and commercial mobile service providers serving the community including, but not limited to, those which have voluntarily agreed, in advance, to promptly notify other such internet service providers in like manner;

(iv) participating radio stations and other participating broadcast media outlets serving the community may voluntarily agree to promptly broadcast a missing **woman or** child alert providing pertinent details concerning the **woman or** child's disappearance, breaking into regular programming where appropriate;

(v) participating internet service providers and commercial mobile service providers serving the community may voluntarily agree to promptly provide by electronic mail message a missing **woman or** child alert providing pertinent details concerning the **woman or** child's disappearance;

(vi) police agencies not connected with the basic police communication system in use in such jurisdiction may transmit such information to the nearest or most convenient electronic entry point, from which point it may be promptly dispatched, in conformity with the orders, rules or regulations governing the system; and

(vii) no dispatch or transmission of a report concerning a missing **woman or** child shall be required by such plan if the investigating police department advises, in its discretion, that the release of such

information may jeopardize the investigation or the safety of the **woman or** child, or requests forbearance for any reason.

(c) The commissioner shall also designate a unit within the division that shall assist law enforcement agencies and representatives of radio stations, broadcast media outlets, internet service providers and commercial mobile service providers in the design, implementation and improvement of missing **women or** child prompt response and notification plans. Such unit shall make ongoing outreach efforts to local government entities and local law enforcement agencies to assist such entities and agencies in the implementation and operation of such plans with the goal of implementing and operating such plans in every jurisdiction in New York state.

(d) The commissioner shall also maintain and make available to appropriate state and local law enforcement agencies up-to-date information concerning technological advances that may assist in facilitating the recovery of missing **women or** children. Such information shall include, but not be limited to, technology using computer assisted imaging to "age enhance" photographs of missing **women or** children, and technology that may be used to enter such photographs and other pertinent information concerning missing **women or** children into a database accessible to appropriate officials and persons.

§ 3. Section 837-m of the executive law, as amended by chapter 255 of the laws of 2014, is amended to read as follows:

§ 837-m. Reporting duties of law enforcement departments with respect to missing **women and** children and vulnerable adults. The chief of every police department, each county sheriff and the superintendent of state police shall report, at least semi-annually, to the division with respect to specified cases of missing **women and** children that are closed. Such reports shall be in the form and manner prescribed by the division and shall contain such information as the division deems necessary including, but not limited to, information regarding recovered **women and** children who were arrested, **women and** children who were the victims of criminal activity or exploitation and **women and** children who were found deceased and information regarding the alleged abductor or killer of such **women and** children. Any law enforcement department referred to in this section may, in its discretion, include in such semi-annual reports information relating to missing vulnerable adults as such term is defined in section eight hundred thirty-seven-f-one of this article.

§ 4. Section 221 of the executive law is amended by adding a new subdivision 4 to read as follows:

4. When any police officer, peace officer or police agency in the state shall receive a complaint of a missing woman, such police officer, peace officer or police agency may, in his or her discretion, as appropriate, cause information concerning such missing woman to be promptly dispatched over the police communication system. Police agencies not connected with the basic system may transmit such information to the nearest or most convenient electronic entry point, from which point it may be promptly dispatched, in conformity with the orders, rules or regulations governing the system. No dispatch or transmission of a report concerning a missing woman shall be required by this subdivision if the investigating police department advises, in its discretion, that the release of such information may jeopardize the investigation or the safety of the woman, or requests forbearance for any reason.

§ 5. Section 92-w of the state finance law, as added by chapter 530 of the laws of 1994, subdivision 2 as amended by chapter 579 of the laws of

1997, subdivision 2-a as added by chapter 453 of the laws of 2015, and the opening paragraph of subdivision 2-a as amended by section 27-e of part UU of chapter 54 of the laws of 2016, is amended to read as follows:

§ 92-w. Missing and exploited **women and** children clearinghouse fund. 1. A special fund to be known as the "missing and exploited **women and** children clearinghouse fund" is hereby established in the custody of the state comptroller and the commissioner of taxation and finance.

2. The fund shall consist of all monies transferred to such fund pursuant to law, all monies required by any provision of law to be paid into or credited to the fund, all moneys from gifts pursuant to section six hundred twenty-eight of the tax law and any interest earnings which may accrue from the investment of monies in the fund. Nothing contained herein shall prevent the state from receiving grants, gifts or bequests for the purposes of the fund as defined in this section and depositing them into the fund according to law.

2-a. On or before the first day of February each year, the director of the division of criminal justice services shall provide a written report to the temporary president of the senate, speaker of the assembly, chair of the senate finance committee, chair of the assembly ways and means committee, chair of the senate committee on codes, chair of the assembly codes committee, the state comptroller and the public. Such report shall include how the monies of the fund were utilized during the preceding calendar year, and shall include:

(i) the amount of money dispersed from the fund and the award process used for such disbursements;

(ii) recipients of awards from the fund;

(iii) the amount awarded to each;

(iv) the purposes for which such awards were granted; and

(v) a summary financial plan for such monies which shall include estimates of all receipts and all disbursements for the current and succeeding fiscal years, along with the actual results from the prior fiscal year.

3. Monies of the fund, when allocated, shall be available to the division of criminal justice services for the enhancement of public information and prevention education efforts including production of print, video and radio advertising materials, brochures, pamphlets and outdoor advertising, or for any other activity or purpose that will aid in the prevention of the exploitation of **women and** children or in the recovery of missing and exploited **women and** children, as deemed necessary by the missing and exploited **women and** children clearinghouse created pursuant to section eight hundred thirty-seven-f of the executive law.

4. Monies shall be payable from the fund on the audit and warrant of the comptroller on vouchers approved and certified by the director of the division of criminal justice services.

§ 6. Section 628 of the tax law, as added by chapter 579 of the laws of 1997, is amended to read as follows:

§ 628. Gift for missing and exploited **women and** children clearinghouse fund. Effective for any tax year commencing on or after January first, nineteen hundred ninety-seven, an individual in any taxable year may elect to contribute to the missing and exploited **women and** children clearinghouse fund. Such contribution shall be in any whole dollar amount and shall not reduce the amount of state tax owed by such individual. The commissioner shall include space on the personal income tax return form to enable a taxpayer to make such contribution. Notwithstanding any other provision of law, all revenues collected pursuant to

this section shall be paid to the missing and exploited **women and** children clearinghouse fund established pursuant to and used only for those purposes enumerated in section ninety-two-w of the state finance law.

§ 7. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.