STATE OF NEW YORK

8345

IN SENATE

January 19, 2024

Introduced by Sen. KENNEDY -- 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 the creation of a "ebony alert system" for missing Black youth

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-y to read as follows:

§ 837-y. Ebony 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 ebony alert system to be activated on behalf of Black youth, including young women, men, nonbinary, boys, and girls, who are reported missing under unexplained or suspicious circumstances, at risk, developmentally disabled, or cognitively impaired, or who have been abducted.

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

(a) the procedures to be used by a law enforcement agency to determine that an ebony alert would be an effective tool in the investigation of a missing Black youth, which shall include the following factors:

(i) the missing person is twelve to twenty-five years of age, inclusive;

(ii) the missing person suffers from a mental or physical disability;

(iii) the person is missing under circumstances that indicate any of the following:

(1) the missing person's physical safety may be endangered; or

(2) the missing person may be subject to trafficking;

(iv) the law enforcement agency determines that the person has gone missing under unexplained or suspicious circumstances;

(v) the law enforcement agency believes that the person is in danger because of age, health, mental or physical disability, or environment or

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

LBD13918-01-3

weather conditions, that the person is in the company of a potentially dangerous person, or that there are other factors indicating that the person may be in peril;

(vi) the investigating law enforcement agency has utilized available local resources; and

(vii) there is information available that, if disseminated to the public, could assist in the safe recovery of the missing person;

(b) the procedures to be used by an individual or entity to report information about a missing Black youth to designated media outlets in the state;

(c) guidelines for releasing only the information necessary in order to protect the privacy of a missing Black youth for whom a ebony alert has been issued, including compliance with the Health Insurance Portability and Accountability Act of 1996; and

(d) forms for use by law enforcement agencies in requesting activation of the ebony alert system.

3. (a) The ebony 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) When a law enforcement agency requests activation of the ebony alert system, 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 Black youth.

(c) Upon activation of the ebony 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 Black youth; and

(ii) a statement instructing any person with information related to the missing Black youth to contact the applicable law enforcement agency.

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

(i) the missing Black youth 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 Black youth who is the subject of an alert under this section shall notify the division as soon as possible that the missing Black youth has been located.

5. 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.