STATE OF NEW YORK

4261

2023-2024 Regular Sessions

IN SENATE

February 7, 2023

Introduced by Sens. ASHBY, OBERACKER, RHOADS, ROLISON, WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the executive law, in relation to establishing a green alert system for missing military members

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 354-g to read as follows:

§ 354-g. Green alert for missing military members. 1. As used in this section:

(a) "Alert" means the statewide green alert for missing military members that is developed and implemented under this section.

(b) "Law enforcement agency" means a law enforcement agency with jurisdiction over the investigation of a missing military member.

(c) "Military member" means a person who is a current or former member of the United States armed forces, including the National Guard or a reserve or auxiliary unit of any branch of the armed forces.

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 statewide green alert to be activated on behalf of a missing military member who has elected to participate in the green alert system and who suffers from a mental illness, including post-traumatic stress disorder, or a traumatic brain injury.

3. The state director is the statewide coordinator of the green alert. The state director shall adopt rules and issue directives as necessary to ensure proper implementation of the green alert. The rules and directives shall include:

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

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(a) the procedures to be used by a law enforcement agency to verify whether a military member is missing and suffers from a mental illness, including post-traumatic stress disorder, or a traumatic brain injury;

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

(c) the procedures to be used by an individual or entity to report information about a missing military member to designated media outlets in this state;

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

(e) forms for use by 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. A state agency participating in the alert system shall:

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

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

5. 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 law enforcement agency shall notify the division if the agency:

(a) receives a report regarding a missing military member who is determined by the agency to be a participant in the green alert system;

(b) verifies that at the time the military member is reported missing:

(i) the person reported missing is a military member;

(ii) the military member's location is unknown; and

(iii) the military member suffers from a mental illness, including post-traumatic stress disorder, or a traumatic brain injury; and

(c) determines that the military member's disappearance poses a credible threat to the military member's health and safety or the health and safety of another.

(d) A law enforcement agency shall verify the information required by this subdivision and make the determination required as soon as practicable after the agency receives a report regarding a missing military member.

(e) In verifying that the military member suffers from a mental illness, including post-traumatic stress disorder, or a traumatic brain injury the law enforcement agency shall require the family or legal guardian of the military member to provide documentation of the illness or injury.

7. (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 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 military member.

(c) 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 military member; and

(ii) a statement instructing any person with information related to the missing military member to contact a law enforcement agency.

(d) The state director shall terminate any activation of the alert with respect to a particular missing military member not later than the earlier of the date on which:

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

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

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

8. The department of transportation is not required to use any existing system of dynamic message signs in a statewide alerts 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 this state due to noncompliance with federal laws, regulations, or policies.

9. The division shall establish an opt-out procedure for military members who do not wish to be included in the green alert program. Such opt-out form shall be made available in hard copy and shall be made electronically available on the division's website.

§ 2. This act shall take effect immediately.