

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:

1 Section 1. The executive law is amended by adding a new section 354-g
2 to read as follows:

3 § 354-g. Green alert for missing military members. 1. As used in this
4 section:

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

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

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

12 2. With the cooperation of the department of transportation, the
13 office of the governor, and other appropriate law enforcement agencies
14 in this state, the division shall develop and implement a statewide
15 green alert to be activated on behalf of a missing military member who
16 has elected to participate in the green alert system and who suffers
17 from a mental illness, including post-traumatic stress disorder, or a
18 traumatic brain injury.

19 3. The state director is the statewide coordinator of the green alert.
20 The state director shall adopt rules and issue directives as necessary
21 to ensure proper implementation of the green alert. The rules and direc-
22 tives shall include:

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

LBD06251-01-3

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

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

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

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

13 (e) forms for use by law enforcement agencies in requesting activation
14 of the alert system.

15 4. The division shall recruit public and commercial television and
16 radio broadcasters, private commercial entities, state or local govern-
17 mental entities, the public, and other appropriate persons to assist in
18 developing and implementing the alert system. A state agency participat-
19 ing in the alert system shall:

20 (a) cooperate with the division and assist in developing and imple-
21 menting the alert system; and

22 (b) establish a plan for providing relevant information to its offi-
23 cers, investigators, or employees, as appropriate, once the alert system
24 has been activated.

25 5. The department of transportation shall establish a plan for provid-
26 ing relevant information to the public through an existing system of
27 dynamic message signs located across the state.

28 6. A law enforcement agency shall notify the division if the agency:

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

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

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

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

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

36 (c) determines that the military member's disappearance poses a credi-
37 ble threat to the military member's health and safety or the health and
38 safety of another.

39 (d) A law enforcement agency shall verify the information required by
40 this subdivision and make the determination required as soon as practi-
41 cable after the agency receives a report regarding a missing military
42 member.

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

48 7. (a) When a law enforcement agency notifies the division, the divi-
49 sion shall confirm the accuracy of the information and, if confirmed,
50 immediately issue an alert under this section in accordance with divi-
51 sion rules.

52 (b) In issuing the alert, the division shall send the alert to desig-
53 nated media outlets in this state. Following receipt of the alert,
54 participating radio stations and television stations and other partic-
55 ipating media outlets may issue the alert at designated intervals to
56 assist in locating the missing military member.

1 (c) The alert must include:

2 (i) all appropriate information that is provided by the law enforce-
3 ment agency under this section and that may lead to the safe recovery of
4 the missing military member; and

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

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

10 (i) the missing military member is located or the situation is other-
11 wise resolved; or

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

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

18 8. The department of transportation is not required to use any exist-
19 ing system of dynamic message signs in a statewide alerts system created
20 under this section if the department of transportation receives notice
21 from the United States Department of Transportation Federal Highway
22 Administration that the use of the signs would result in the loss of
23 federal highway funding or other punitive actions taken against this
24 state due to noncompliance with federal laws, regulations, or policies.

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

29 § 2. This act shall take effect immediately.