

# 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:

1 Section 1. The executive law is amended by adding a new section 236 to  
2 read as follows:

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

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

15 § 837-f. Missing and exploited women and children clearinghouse. There  
16 is hereby established within the division a missing and exploited women  
17 and children clearinghouse to provide a comprehensive and coordinated  
18 approach to the tragic problems of missing and exploited women and chil-  
19 dren. In addition to the activities of the statewide central register  
20 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.

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- 1 1. Plan and implement programs to ensure the most effective use of  
2 federal, state and local resources in the investigation of missing and  
3 exploited women and children;
- 4 2. Exchange information and resources with other states, and within  
5 New York state, concerning missing and exploited women and children;
- 6 3. Establish a case data base which will include nonidentifying infor-  
7 mation on reported women and children and facts developed in the phases  
8 of a search, and analyze such data for the purposes of: assisting law  
9 enforcement in their current investigations of missing and exploited  
10 women and children, developing prevention programs and increasing under-  
11 standing of the nature and extent of the problem; and share the data and  
12 analysis on a regular basis with the National Center for Missing and  
13 Exploited Children;
- 14 4. Disseminate a directory of resources to assist in the locating of  
15 missing women and children;
- 16 5. Cooperate with public and private schools and organizations to  
17 develop education and prevention programs concerning women and child  
18 safety for communities, parents and children;
- 19 6. Provide assistance in returning recovered women and children who  
20 are located out-of-state;
- 21 7. By January first, nineteen hundred eighty-seven arrange for the  
22 development of a curriculum for the training of law enforcement person-  
23 nel investigating cases involving missing and exploited children; and  
24 further by January first, two thousand twenty-five include in the  
25 curriculum for the training of law enforcement concerning missing and  
26 exploited women and missing and exploited women and children of color  
27 and indigenous descent;
- 28 8. Assist federal, state and local agencies in the investigation of  
29 cases involving missing and exploited women and children;
- 30 9. Utilize available resources to duplicate photographs and posters of  
31 women and children reported as missing by police and with consent of  
32 parents, guardians or others legally responsible, disseminate this  
33 information throughout the state;
- 34 10. Beginning on January first, nineteen hundred eighty-seven, dissem-  
35 inate, on a regular basis, a bulletin containing information on children  
36 in the missing children's register to the state education department  
37 which shall then forward such bulletin to every public and private  
38 school where parents, guardians or others legally responsible for such  
39 children have given consent;
- 40 10-a. (a) By November first, nineteen hundred ninety-seven prescribe  
41 general guidelines to enable the state legislature and state agencies to  
42 assist in the location and recovery of missing women and children. The  
43 guidelines shall provide information relating to:
  - 44 (i) the form and manner in which materials and information pertaining  
45 to missing women and children including but not limited to biographical  
46 data and pictures, sketches or other likenesses may be included in  
47 stationery, newsletters and other written or electronic printings;
  - 48 (ii) appropriate sources from which such materials and information may  
49 be obtained;
  - 50 (iii) the procedures by which such materials and information may be  
51 obtained; and
  - 52 (iv) any other matter the clearinghouse considers appropriate.
- 53 (b) By January first, nineteen hundred ninety-eight arrange for the  
54 transmission of biographical information and pictures, sketches or other  
55 likenesses of missing women and children to state agencies, departments  
56 and the legislature to use in printings.

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

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

10 13. Take such other steps as necessary to assist in education,  
11 prevention, service provision and investigation of cases involving miss-  
12 ing and exploited women and children.

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

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

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

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

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

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

44 (v) participating internet service providers and commercial mobile  
45 service providers serving the community may voluntarily agree to prompt-  
46 ly provide by electronic mail message a missing woman or child alert  
47 providing pertinent details concerning the woman or child's disappear-  
48 ance;

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

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

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

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

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

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

24 § 837-m. Reporting duties of law enforcement departments with respect  
25 to missing women and children and vulnerable adults. The chief of every  
26 police department, each county sheriff and the superintendent of state  
27 police shall report, at least semi-annually, to the division with  
28 respect to specified cases of missing women and children that are  
29 closed. Such reports shall be in the form and manner prescribed by the  
30 division and shall contain such information as the division deems neces-  
31 sary including, but not limited to, information regarding recovered  
32 women and children who were arrested, women and children who were the  
33 victims of criminal activity or exploitation and women and children who  
34 were found deceased and information regarding the alleged abductor or  
35 killer of such women and children. Any law enforcement department  
36 referred to in this section may, in its discretion, include in such  
37 semi-annual reports information relating to missing vulnerable adults as  
38 such term is defined in section eight hundred thirty-seven-f-one of this  
39 article.

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

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

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

1 1997, subdivision 2-a as added by chapter 453 of the laws of 2015, and  
2 the opening paragraph of subdivision 2-a as amended by section 27-e of  
3 part UU of chapter 54 of the laws of 2016, is amended to read as  
4 follows:

5 § 92-w. Missing and exploited women and children clearinghouse fund.

6 1. A special fund to be known as the "missing and exploited women and  
7 children clearinghouse fund" is hereby established in the custody of the  
8 state comptroller and the commissioner of taxation and finance.

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

17 2-a. On or before the first day of February each year, the director of  
18 the division of criminal justice services shall provide a written report  
19 to the temporary president of the senate, speaker of the assembly, chair  
20 of the senate finance committee, chair of the assembly ways and means  
21 committee, chair of the senate committee on codes, chair of the assembly  
22 codes committee, the state comptroller and the public. Such report shall  
23 include how the monies of the fund were utilized during the preceding  
24 calendar year, and shall include:

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

27 (ii) recipients of awards from the fund;

28 (iii) the amount awarded to each;

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

30 (v) a summary financial plan for such monies which shall include esti-  
31 mates of all receipts and all disbursements for the current and succeed-  
32 ing fiscal years, along with the actual results from the prior fiscal  
33 year.

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

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

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

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

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

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