

# 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:

1 Section 1. The executive law is amended by adding a new section 837-y  
2 to read as follows:

3 § 837-y. Ebony alert system; missing victims of domestic violence. 1.  
4 With the cooperation of the department of transportation, the office of  
5 the governor, and other appropriate law enforcement agencies in the  
6 state, the division shall develop and implement a statewide ebony alert  
7 system to be activated on behalf of Black youth, including young women,  
8 men, nonbinary, boys, and girls, who are reported missing under unex-  
9 plained or suspicious circumstances, at risk, developmentally disabled,  
10 or cognitively impaired, or who have been abducted.

11 2. The commissioner shall designate a statewide coordinator of the  
12 ebony alert system. The commissioner shall adopt rules and issue direc-  
13 tives as necessary to ensure proper implementation of the ebony alert  
14 system. The rules and directives shall include:

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

18 (i) the missing person is twelve to twenty-five years of age, inclu-  
19 sive;

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

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

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

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

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

27 (v) the law enforcement agency believes that the person is in danger  
28 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

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

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

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

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

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

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

17 3. (a) The ebony alert system shall include all state agencies capable  
18 of providing urgent and timely information to the public, together with  
19 broadcasters, private commercial entities and state or local govern-  
20 mental entities who volunteer to participate in the dissemination of  
21 urgent public information.

22 (b) Such alert system shall include, but shall not be limited to, the  
23 division, the New York lottery and the department of transportation,  
24 which shall establish a plan for providing information to the public  
25 through an existing system of dynamic message signs located across the  
26 state.

27 4. (a) When a law enforcement agency requests activation of the ebony  
28 alert system, the division shall confirm the accuracy of the information  
29 and, if confirmed, immediately issue an alert under this section in  
30 accordance with division rules.

31 (b) In issuing the alert, the division shall send the alert to media  
32 outlets in the state, in accordance with subdivision three of this  
33 section. Following receipt of the alert, participating media outlets may  
34 issue the alert at designated intervals to assist in locating the miss-  
35 ing Black youth.

36 (c) Upon activation of the ebony alert system, the division may  
37 request interstate activation in a neighboring state or Canadian prov-  
38 ince if warranted. If an activation area is adjacent to a border, the  
39 United States Customs and Border Patrol and Canadian Customs shall also  
40 receive notification.

41 (d) The alert must include:

42 (i) all appropriate information that is provided by the law enforce-  
43 ment agency under this section and that may lead to the safe recovery of  
44 the missing Black youth; and

45 (ii) a statement instructing any person with information related to  
46 the missing Black youth to contact the applicable law enforcement agen-  
47 cy.

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

51 (i) the missing Black youth is located, or the situation is otherwise  
52 resolved; or

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

1 (f) A law enforcement agency that locates a missing Black youth who is  
2 the subject of an alert under this section shall notify the division as  
3 soon as possible that the missing Black youth has been located.

4 5. The department of transportation is not required to use any exist-  
5 ing system of dynamic message signs in a statewide alert system created  
6 under this section if the department of transportation receives notice  
7 from the United States Department of Transportation Federal Highway  
8 Administration that the use of the signs would result in the loss of  
9 federal highway funding or other punitive actions taken against the  
10 state due to noncompliance with federal laws, regulations, or policies.

11 § 2. This act shall take effect on the thirtieth day after it shall  
12 have become a law.