STATE OF NEW YORK

8473

2025-2026 Regular Sessions

IN ASSEMBLY

May 16, 2025

Introduced by M. of A. STERN, MANKTELOW -- read once and referred to the Committee on Veterans' Affairs

AN ACT to amend the executive law, in relation to establishing a missing vulnerable veterans at risk program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Short title. This act shall be known and may be cited as the "missing vulnerable veterans at risk program act".

§ 2. The executive law is amended by adding a new section 837-f-3 to read as follows:

§ 837-f-3. Missing vulnerable veterans at risk program. 1. There is hereby established within the division a missing vulnerable veterans at risk program to provide a comprehensive and coordinated approach to the problem of missing vulnerable veterans at risk.

2. For purposes of this section:

(a)"Vulnerable veteran at risk" shall mean an individual who is a United States veteran who has a cognitive impairment, mental disability, or brain disorder and whose disappearance has been determined by law enforcement to pose a creditable threat of harm to such missing individual and has elected to participate in the missing vulnerable veterans at risk program.

(b) "Veteran" shall mean a person who served on active duty in uniformed services of the United States regardless of discharge status; and

(c) "Missing vulnerable veterans at risk alert" shall mean a method to disseminate information regarding a missing vulnerable veteran at risk to the general public in a manner consistent with paragraph (n) of subdivision three of this section.

3. 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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(a) plan and implement programs to ensure the most effective use of federal, state, and local resources in the investigation of missing vulnerable veterans at risk;

(b) disseminate a directory of resources to assist in locating missing vulnerable veterans at risk;

(c) cooperate with the department of health, department of veterans' services, office of mental health, office for people with developmental disabilities, office for the aging, and other public and private organizations to develop education and prevention programs concerning the safety of vulnerable veterans at risk;

(d) assist federal, state, and local agencies in the investigation of cases involving missing vulnerable veterans at risk;

(e) utilize available resources to duplicate photographs and posters of vulnerable veterans at risk reported as missing by police and disseminate this information throughout the state;

(f) provide assistance in returning missing vulnerable veterans at risk who are located out of state;

(g) develop a curriculum for the training of law enforcement personnel investigating cases involving missing vulnerable veterans at risk, including recognition and management of vulnerable veterans at risk;

(h) operate a toll-free twenty-four-hour hotline for the public to use to relay information concerning missing vulnerable veterans at risk;

(i) establish a case database that shall include non-identifying information on reported missing vulnerable veterans at risk and facts developed in the phases of a search; and analyze such data for the purposes of assisting law enforcement in their current investigations of missing vulnerable veterans at risk, developing prevention programs and increasing understanding of the nature and extent of the problem;

(j) prescribe general guidelines to enable state agencies to assist in the location and recovery of missing vulnerable veterans at risk. The guidelines shall provide information relating to:

(i) the form and manner in which materials and information pertaining to missing vulnerable veterans at risk, including, but not limited to, biographical data and pictures, sketches, or other likenesses, may be included in stationary, newsletters, and other written or electronic printings, provided such guidelines are consistent with paragraph (n) of this subdivision;

(ii) appropriate sources from which such materials and information may be obtained;

(iii) the procedures by which such materials and information may be obtained; and

(iv) any other matter the program may deem important;

(k) maintain and make available to appropriate state and local law enforcement agencies information concerning technological advances that may assist in facilitating the recovery of missing vulnerable veterans at risk;

(l) take such other steps as necessary to assist in education, prevention, service provision, and investigation of cases involving missing vulnerable veterans at risk;

(m) The division, in consultation with the department of veterans' services, shall establish an opt-in procedure for vulnerable veterans at risk who wish to be involved in the missing vulnerable veterans at risk program;

(n) (i) In consultation with the division of state police, department of veterans' services and other appropriate agencies, develop, regularly update, and distribute model missing vulnerable veterans at risk prompt

response and notification plans. Such plans shall be available for use by local communities and law enforcement personnel, and shall involve a proactive, coordinated response that may be promptly triggered by law enforcement personnel upon confirmation by a police officer, peace officer, or police agency of a report of a missing vulnerable veteran at risk, as defined in subdivision two of this section.

(ii) Such plans shall, at a minimum, provide that: (A) the name of the missing vulnerable veteran at risk, a description of the missing individual, and other pertinent information may be promptly dispatched over the police communication system pursuant to subdivision three of section two hundred twenty-one of this chapter;

(B) such information may be immediately provided, both: (1) orally, electronically, or by facsimile transmission to one or more radio stations and other broadcast media outlets serving the community including, but not limited to, those who have voluntarily agreed in advance to promptly notify other such radio stations and broadcast media outlets in like manner; and (2) by electronic mail message to one or more internet service providers and commercial mobile service providers serving the community including, but not limited to, those which have voluntarily agreed in advance to promptly notify other such internet service providers in like manner;

(C) participating radio stations and other participating broadcast media outlets serving the community may voluntarily agree to promptly broadcast a missing vulnerable veteran at risk alert providing pertinent details concerning the missing vulnerable veteran's disappearance, breaking into regular programming where appropriate;

(D) participating internet service providers and commercial mobile service providers serving the community may voluntarily agree to promptly provide by electronic mail message a missing vulnerable veteran at risk alert providing pertinent details concerning the missing vulnerable veteran's disappearance;

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

(F) a statewide response may be initiated as soon as the division deems it is necessary to find the missing vulnerable veteran at risk. Such a plan may not require the issuance of an alert if the investigating police department, in its discretion, advises that the release of such information may jeopardize the investigation or the safety of the missing vulnerable veteran at risk or the investigating police department requests forbearance for any reason.

(iii) The commissioner shall also designate a unit within the division that shall assist law enforcement agencies and representatives of radio stations, broadcast media outlets, internet service providers, and commercial mobile service providers in the design, implementation, and improvement of missing vulnerable veteran at risk response and notification plans. Such unit shall make ongoing outreach efforts to local government entities and local law enforcement agencies to assist such entities and agencies in the implementation and operation of such plans with the goal of implementing and operating such plans in every jurisdiction in New York state.

(o) disseminate specific medical information about a missing vulnerable veteran at risk to the extent that such medical information indicates a physical quality or behavioral trait that is readily apparent

and contributes to a physical or behavioral description of the missing vulnerable veteran at risk, provided that more extensive information relating to the missing vulnerable veteran's at risk medical diagnosis and condition may be provided to law enforcement personnel as needed.

4. The commissioner shall submit an annual report to the governor and legislature regarding the activities of the missing vulnerable veterans at risk program, including statistical information involving reported cases of missing vulnerable veterans at risk, the number of veterans at risk who have opted to participate in the missing vulnerable veterans at risk program and a summary of the division's efforts with respect to the activities authorized under subdivision three of this section.

§ 3. Subdivisions 7, 10 and 11 of section 838 of the executive law, subdivision 7 as amended and subdivisions 10 and 11 as added by chapter 222 of the laws of 2011, are amended to read as follows:

7. (a) When a person previously reported missing has been found, the superintendent of state police, sheriff, chief of police, coroner or medical examiner, or other law enforcement authority shall erase all records with respect to such person and/or destroy any documents which are maintained pursuant to this section and shall report to the division that the person has been found and that the records and documents have been so erased or destroyed. After receiving such a report, the division shall erase all records with respect to such person and/or destroy any documents which are maintained pursuant to this section.

(b) Nothing in paragraph (a) of this subdivision shall be construed as prohibiting law enforcement agencies from maintaining case files relating to vulnerable adults, as defined in section eight hundred thirty-seven-f-one, or vulnerable veteran at risk pursuant to section eight hundred thirty-seven-f-three of this article who were reported missing, provided, however, that any DNA, fingerprints and/or dental records acquired in the course of such investigation shall be erased and/or destroyed in accordance with paragraph (a) of this subdivision after the person previously reported missing has been found.

(c) (i) Notwithstanding the provisions of paragraph (a) of this subdivision, if a vulnerable adult, as defined in section eight hundred thirty-seven-f-one or vulnerable veteran at risk pursuant to section eight hundred thirty-seven-f-three of this article, previously reported missing has been found, the division shall maintain a sealed record of the case file for a period of ten years, after which it shall be erased and/or destroyed. The sealed record shall be unsealed if the individual to whom the record pertains is reported missing on a subsequent occasion or if needed for evidentiary purposes in any civil litigation against the division or its personnel that arises from the investigation. However, in the event that there are grounds for a criminal action arising from the investigation, nothing in this subdivision shall be interpreted as prohibiting the division from allowing such records to remain unsealed until such criminal action is concluded or otherwise resolved.

(ii) The division shall establish rules and regulations relating to the unsealing of records. Such rules and regulations shall require that, pursuant to subparagraph (i) of this paragraph, the process of unsealing such records shall take no longer than two hours from the time the division receives a report that a vulnerable adult or vulnerable veteran at risk, for whom there is a previous record, is missing.

10. Notwithstanding any other provision of law, no criminal justice agency shall establish or maintain any policy that requires the observance of a waiting period before accepting and investigating a report of a missing vulnerable adult as defined in section eight hundred thirty-

seven-f-one **or vulnerable veteran at risk as defined in section eight hundred thirty-seven-f-three** of this article. Upon receipt of a report of such missing vulnerable adult **or vulnerable veteran at risk**, criminal justice agencies shall make entries of such report in the manner provided by subdivision eleven of this section.

11. Whenever a criminal justice agency determines that a person is a missing vulnerable adult, as defined in section eight hundred thirty-seven-f-one of this article, or that an unidentified living person may be a missing vulnerable adult **or vulnerable veteran at risk as defined in section eight hundred thirty-seven-f-three of this article**, such criminal justice agency shall enter the report of such missing vulnerable adult **or vulnerable veteran at risk** in any database of missing persons maintained by the division and the federal government.

§ 4. The provisions of this act shall not be construed to limit in any way the authority of a municipality to enact, implement, and continue to enforce local laws and regulations relating to an alert system to locate missing individuals that were in effect prior to the effective date of this act, or to enact, implement, and enforce any amendments thereto after the effective date of this act.

§ 5. Severability. If any clause, sentence, paragraph, section or part of this act shall be adjudged by any court of competent jurisdiction to be invalid and after exhaustion of all further judicial review, the judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part of this act directly involved in the controversy in which the judgment shall have been rendered.

§ 6. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.