

# STATE OF NEW YORK

4791--A

2025-2026 Regular Sessions

## IN SENATE

February 12, 2025

Introduced by Sens. SANDERS, JACKSON -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, in relation to enacting "Destini Smothers' law" to require collaboration between law enforcement agencies in missing persons investigations and to provide support for relatives of such missing persons

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

- 1 Section 1. This act shall be known and may be cited as "Destini Smothers' law".  
2  
3 § 2. Paragraph (b) of subdivision 1 of section 641 of the executive  
4 law, as added by chapter 94 of the laws of 1984, is amended to read as  
5 follows:  
6 (b) availability of appropriate public or private programs that  
7 provide counseling, treatment or support for crime victims, including  
8 but not limited to the following: rape crisis centers, victim/witness  
9 assistance programs, elderly victim services, trauma-informed inter-  
10 vention services, emotional support services, mental health care  
11 services, victim assistance hotlines and domestic violence [~~shelters~~]  
12 residential and non-residential services;  
13 § 3. Subdivision 5 of section 642 of the executive law, as amended by  
14 chapter 263 of the laws of 1986, is amended to read as follows:  
15 5. Victim assistance education and training, with special consider-  
16 ation to be given to victims of domestic violence, sex offense victims,  
17 sex trafficking victims, elderly victims, child victims, relatives of  
18 missing persons, and the families of homicide victims, shall be given to  
19 persons taking courses at state law enforcement training facilities and  
20 by district attorneys so that victims may be promptly, properly and  
21 completely assisted.

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

LBD08157-03-5

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

3 § 837-f-3. Law enforcement collaboration in missing persons investi-  
4 gations. 1. The commissioner shall, on or before January first, two  
5 thousand twenty-seven, in consultation with the division of state police  
6 and such other qualified agencies and community-based organizations the  
7 commissioner deems appropriate, develop and frequently update a uniform  
8 plan for collaboration between police agencies in missing persons inves-  
9 tigations. Such plan shall involve a pro-active, coordinated response,  
10 planned in advance, that is triggered promptly upon confirmation by a  
11 police officer, peace officer or police agency of a report of a missing  
12 person.

13 2. Such plans shall, at a minimum, require that:

14 (a) the name of the missing person, a description of the person and  
15 other pertinent information be promptly dispatched over the police  
16 communication system to all local and state agencies;

17 (b) there shall be no presumption that persons between the ages of  
18 nineteen and sixty-four are not missing;

19 (c) the police agency shall ascertain whether the missing person is or  
20 has been the victim of a family offense as defined in subdivision one of  
21 section 530.11 of the criminal procedure law or section eight hundred  
22 twelve of the family court act, and if so, the police agency shall imme-  
23 diately transmit such information along with any records in its  
24 possession relating thereto to every local and state police agency, and  
25 shall immediately request and obtain any such records in the possession  
26 of another local or state agency; and

27 (d) routine notification of relatives of missing persons of the status  
28 of the missing persons investigation, to the extent such information  
29 will not jeopardize the investigation or the safety of the missing  
30 person or another person, provided that an initial notification is made  
31 no later than seven days after the person goes missing and then weekly  
32 thereafter; provided, however, if no new information is available,  
33 future notifications should occur when such new information becomes  
34 available.

35 3. Police agencies not connected with the basic police communication  
36 system in use in such jurisdiction shall transmit such information to  
37 the nearest or most convenient teletypewriter point, from which point it  
38 shall be immediately dispatched, in conformity with the orders, rules or  
39 regulations governing the system.

40 4. In the event that a police agency receives a report of an adult  
41 missing person as defined in section eight hundred thirty-seven-f-2 of  
42 this article and such police agency knows or has reasonable cause to  
43 believe that such missing adult person is or has been the victim of a  
44 family offense as defined in subdivision one of section 530.11 of the  
45 criminal procedure law or section eight hundred twelve of the family  
46 court act, or has otherwise been the victim of domestic violence,  
47 regardless of whether any family offense proceeding or criminal prose-  
48 cution was commenced, there shall be a presumption that such person is  
49 missing under circumstances where there is a reasonable concern for such  
50 person's safety.

51 5. No dispatch or transmission of a report concerning missing persons  
52 shall be required by such plan if the investigating police department  
53 determines that the release of such information would jeopardize the  
54 investigation or the safety of the person, or otherwise requires  
55 forbearance.

1 § 5. This act shall take effect January 1, 2027. Effective immediate-  
2 ly, the addition, amendment and/or repeal of any rule or regulation  
3 necessary for the implementation of this act on its effective date are  
4 authorized to be made and completed on or before such effective date.