§ 837-k. Safe house for children. 1. Within one hundred twenty days after the effective date of this section, the division shall design and adopt an official symbol and sign which may use McGruff as created by the national crime prevention council if practicable, to be used to designate homes and businesses where a child may seek temporary help when he or she is traveling, without adult supervision or protection, in neighborhoods having such homes or businesses.

2. a. Law enforcement agencies:

(i) may voluntarily provide symbols to persons who apply for them;

(ii) may require that persons receiving symbols apply in writing and agree in writing to specific terms and conditions in order to participate in the program;

(iii) shall develop community based selection procedures to assure the suitability of the persons and location which are the subjects of an application prior to issuing symbols after conducting a background check, including, but not limited to, information available in its jurisdiction, and inquiry of the department of social services register of child abuse and maltreatment regarding the applicant and any persons residing at the location. Until such procedures are developed and implemented, law enforcement agencies may access records of the division maintained pursuant to section eight hundred thirty-seven of this article;

(iv) shall maintain a register of locations using the official, sign or symbol and any other known locations using other symbols for similar purposes pursuant to subdivision five of this section;

(v) shall make efforts, themselves or through arrangements with school districts, not-for-profits, or other organizations, to educate children to recognize the correct symbol and the program.

b. For purposes of this subdivision:

(i) the term "law enforcement agency" shall mean any agency or department of any municipality or any police district employing a police officer or police officers as that term is defined in paragraphs (b) and (d) of subdivision thirty-four of section 1.20 of the criminal procedure law; and

(ii) the symbols provided by law enforcement agencies for purposes of

this program are the property of said agency.

3. Persons who are issued a symbol by a law enforcement agency shall:

a. display it or any related or similar symbol or sign that is visible from the outside of their building only upon such terms and conditions as may be specified by the law enforcement agency; and

b. return said symbol to the law enforcement agency immediately upon demand therefor by said agency.

4. a. Any person who possesses, uses, or duplicates the symbol or sign created pursuant to subdivision one of this section, or any symbol authorized for use pursuant to subdivision two of this section, without complying with the provisions of this section shall be liable for a civil fine of fifty dollars.

b. Possession, use or duplication of the symbol or sign created pursuant to subdivision one of this section, or any symbol authorized for use pursuant to subdivision two of this section, with the intent to attract children into the location for any purpose other than protecting them when they are threatened is a misdemeanor.

c. No symbol except the symbol authorized in subdivisions one or five of this section shall be used to designate a safe house.

5. Children's safe haven/safe home programs existing on the effective date of this section may continue to use the same symbol on existing or new locations and expand service areas using symbols in use on such date.