



NEW YORK STATE SENATOR

Robert G. Ortt

Senate Passes Legislation to Protect People With Special Needs and Disabilities From Abuse and Neglect

ROBERT G. ORTT June 11, 2015

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Measures Would Authorize Special Prosecutor to Prosecute Crimes Against Vulnerable New Yorkers

The New York State Senate today passed legislation to hold accountable individuals who abuse or neglect vulnerable New Yorkers. The bill, sponsored by Senator Robert Ortt (R-C-I, North Tonawanda), would improve the state's ability to respond to the abuse or neglect of people with special needs by strengthening the state's ability to prosecute crimes reported to the Justice Center for the Protection of People with Special Needs.

Senator Ortt, Chair of the Committee on Mental Health and Disabilities, said, "This bill further clarifies the law to help protect those who are most vulnerable. It ensures that the Justice Center has the authority to step in, take quick action and prosecute anyone, in any New York State courtroom, who neglects and abuses those with special needs."

In 2012, the state created the Justice Center to protect the health, safety, and welfare of vulnerable New Yorkers. In addition to establishing the strongest standards and practices in the nation for protecting individuals with special needs, the state also sought to reduce the burden on local law enforcement by authorizing a Special Prosecutor to prosecute abuse and neglect crimes concurrently with District Attorneys. Despite this clear legislative mandate, a

Lansing Town Court Justice ruled in an April 2014 criminal case, *People v. Davidson*, that the Justice Center's Special Prosecutor lacked jurisdiction to prosecute offenses in a local justice court. The Justice Center recently won its appeal of this decision.

Today's bill ([S4981](#)) would codify the appellate court's decision and clarify the original legislation's intent in order to avoid inconsistent determinations among different local courts. If other local courts rule as the Davidson court ruled, the Justice Center's prosecutors could not appear in local justice courts, placing the burden on District Attorneys to either prosecute the cases on their own or withdraw charges due to a lack of resources. Without this legislation, the Justice Center would also need to present these cases before a grand jury in order to obtain jurisdiction to prosecute them. This requirement would likely delay the bringing of charges and potentially put abused and neglected individuals needing care at risk.

The Senate also passed a bill ([S4973](#)), sponsored by Senator Ortt, that would allow family members to obtain important medical information about deceased relatives with special needs, while also protecting patient privacy.

"This legislation looks out for the best interest of those facing mental illness and disabilities," said Senator Ortt. "By releasing pertinent medical information after a relative in a mental health facility dies, family members will receive a certain amount of closure as well as learn about any possible hereditary medical condition."

The bills have been sent to the Assembly.