

S T A T E   O F   N E W   Y O R K

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S. 1449--B  
Cal. No. 188

A. 1402--B

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

January 7, 2011

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IN SENATE -- Introduced by Sens. LAVALLE, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to required notification by school districts of sex offender residence; and to amend the education law, in relation to apportionment to school districts for certain expenses related to sex offender notification

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Paragraphs (b) and (c) of subdivision 6 of section 168-1 of  
2     the correction law, paragraph (b) as amended by chapter 106 of the laws  
3     of 2006 and paragraph (c) as separately amended by chapters 318 and 680  
4     of the laws of 2005, are amended to read as follows:  
5     (b) If the risk of repeat offense is moderate, a level two designation  
6     shall be given to such sex offender. In such case the law enforcement  
7     agency or agencies having jurisdiction and the law enforcement agency or  
8     agencies having had jurisdiction at the time of his or her conviction  
9     shall be notified and may disseminate relevant information which shall  
10    include a photograph and description of the offender and which may  
11    include the exact name and any aliases used by the sex offender, approx-  
12    imate address based on sex offender's zip code, background information

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

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1 including the offender's crime of conviction, mode of operation, type of  
2 victim targeted, the name and address of any institution of higher  
3 education at which the sex offender is enrolled, attends, is employed or  
4 resides and the description of special conditions imposed on the offen-  
5 der to any entity with vulnerable populations related to the nature of  
6 the offense committed by such sex offender. Any entity receiving infor-  
7 mation on a sex offender may disclose or further disseminate such infor-  
8 mation at its discretion, PROVIDED, HOWEVER, THAT SCHOOL DISTRICTS, UPON  
9 RECEIPT OF SUCH INFORMATION BY THE DISTRICT SUPERINTENDENT OR CHIEF  
10 SCHOOL ADMINISTRATOR, SHALL DISSEMINATE SUCH INFORMATION TO THE PERSON  
11 OR PERSONS IN PARENTAL RELATION, AS DEFINED IN SUBDIVISION TEN OF  
12 SECTION TWO OF THE EDUCATION LAW, OF EACH OF ITS STUDENTS WITHIN SUCH  
13 SCHOOL DISTRICT. In addition, in such case, the information described  
14 [herein] IN THIS SECTION shall also be provided in the subdirectory  
15 established in this article and notwithstanding any other provision of  
16 law, such information shall, upon request, be made available to the  
17 public.

18 Such law enforcement agencies shall compile, maintain and update a  
19 listing of vulnerable organizational entities within its jurisdiction.  
20 Such listing shall be utilized for notification of such organizations in  
21 disseminating such information on level two sex offenders pursuant to  
22 this paragraph. Such listing shall include and not be limited to:  
23 superintendents of schools or chief school administrators, superinten-  
24 dents of parks, public and private libraries, public and private school  
25 bus transportation companies, day care centers, nursery schools, pre-  
26 schools, neighborhood watch groups, community centers, civic associ-  
27 ations, nursing homes, victim's advocacy groups and places of worship.

28 (c) If the risk of repeat offense is high and there exists a threat to  
29 the public safety a level three designation shall be given to such sex  
30 offender. In such case, the law enforcement agency or agencies having  
31 jurisdiction and the law enforcement agency or agencies having had  
32 jurisdiction at the time of his or her conviction shall be notified and  
33 may disseminate relevant information which shall include a photograph  
34 and description of the offender and which may include the sex offender's  
35 exact name and any aliases used by the offender, exact address, address  
36 of the offender's place of employment, background information including  
37 the offender's crime of conviction, mode of operation, type of victim  
38 targeted, the name and address of any institution of higher education at  
39 which the sex offender is enrolled, attends, is employed or resides and  
40 the description of special conditions imposed on the offender to any  
41 entity with vulnerable populations related to the nature of the offense  
42 committed by such sex offender. Any entity receiving information on a  
43 sex offender may disclose or further disseminate such information at its  
44 discretion, PROVIDED, HOWEVER, THAT SCHOOL DISTRICTS, UPON RECEIPT OF  
45 SUCH INFORMATION BY THE DISTRICT SUPERINTENDENT OR CHIEF SCHOOL ADMINIS-  
46 TRATOR, SHALL DISSEMINATE SUCH INFORMATION TO THE PERSON OR PERSONS IN  
47 PARENTAL RELATION, AS DEFINED IN SUBDIVISION TEN OF SECTION TWO OF THE  
48 EDUCATION LAW, OF EACH OF ITS STUDENTS WITHIN SUCH SCHOOL DISTRICT. In  
49 addition, in such case, the information described herein shall also be  
50 provided in the subdirectory established in this article and notwith-  
51 standing any other provision of law, such information shall, upon  
52 request, be made available to the public.

53 Such law enforcement agencies shall compile, maintain and update a  
54 listing of vulnerable organizational entities within its jurisdiction.  
55 Such listing shall be utilized for notification of such organizations in  
56 disseminating such information on level three sex offenders pursuant to

1 this paragraph. Such listing shall include and not be limited to:  
2 superintendents of schools or chief school administrators, superinten-  
3 dents of parks, public and private libraries, public and private school  
4 bus transportation companies, day care centers, nursery schools, pre-  
5 schools, neighborhood watch groups, community centers, civic associ-  
6 ations, nursing homes, victim's advocacy groups and places of worship.

7 S 2. The education law is amended by adding a new section 3605 to read  
8 as follows:

9 S 3605. APPORTIONMENT FOR CERTAIN MAILING EXPENSES. THE COMMISSIONER  
10 SHALL APPORTION FUNDS TO REIMBURSE SCHOOL DISTRICTS FOR MONIES EXPENDED  
11 IN THE MAILING OF NOTICES TO THE PERSON OR PERSONS IN PARENTAL RELATION,  
12 AS DEFINED IN SUBDIVISION TEN OF SECTION TWO OF THIS CHAPTER, OF EACH OF  
13 ITS STUDENTS REGARDING THE PRESENCE OF REGISTERED SEX OFFENDERS WITHIN  
14 SUCH SCHOOL DISTRICTS.

15 S 3. This act shall take effect on the first of July next succeeding  
16 the date on which it shall have become a law, and shall apply to  
17 expenses incurred by school districts after such effective date.