

S T A T E O F N E W Y O R K

6090

I N S E N A T E

(PREFILED)

January 4, 2012

Introduced by Sens. BALL, LANZA, LARKIN, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to restricting the right of an offender to use a computer in prison or access the internet if such offender has been convicted of certain sex offenses and used a computer in connection with the planning or execution of his or her crime

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

1 Section 1. Section 70.80 of the penal law is amended by adding a new
2 subdivision 10 to read as follows:
3 10. WHENEVER AN OFFENDER CONVICTED OF A FELONY SEX OFFENSE, AS DEFINED
4 IN PARAGRAPH (A) OF SUBDIVISION ONE OF THIS SECTION OR A VIOLENT FELONY
5 SEX OFFENSE, AS DEFINED IN PARAGRAPH (B) OF SUBDIVISION ONE OF THIS
6 SECTION, UTILIZED A COMPUTER OR THE INTERNET IN THE PLANNING OR
7 EXECUTION OF THE OFFENSE, THE DETERMINATE SENTENCE IMPOSED PURSUANT TO
8 ANY SECTION OF THIS ARTICLE, SHALL INCLUDE AS A PART THEREOF A
9 RESTRICTION ON THE RIGHT OF THE OFFENDER TO USE COMPUTERS AND ACCESS THE
10 INTERNET WHILE SERVING THE IMPOSED SENTENCE. SUCH RESTRICTION SHALL
11 PROHIBIT THE OFFENDER FROM UTILIZING COMPUTERS UNLESS SUPERVISED BY
12 PERSONNEL OF THE DEPARTMENT OF CORRECTIONS, AND FROM ACCESSING THE
13 INTERNET FOR ANY PURPOSE OTHER THAN PERFORMING RESEARCH OR OTHER TASKS
14 ASSOCIATED WITH SUCH PERSON'S LEGAL DEFENSE OR PARTICIPATION IN AN
15 EDUCATION PROGRAM OR CLASS APPROVED BY THE DEPARTMENT OF CORRECTIONS OR
16 FOR COMMUNICATING WITH THE OFFENDER'S FAMILY MEMBERS; PROVIDED, HOWEVER,
17 THAT THE OFFENDER SHALL BE RESTRICTED FROM COMMUNICATING WITH ANY OF HIS
18 OR HER VICTIMS. THE OFFENDER SHALL BE RESTRICTED FROM UTILIZING SOCIAL
19 NETWORKING SITES DURING THE DURATION OF THE OFFENDER'S TIME IN
20 DETENTION.
21 S 2. This act shall take effect on the ninetieth day after it shall
22 have become a law.

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

LBD13408-01-1