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

10532

I N A S S E M B L Y

April 2, 2010

Introduced by M. of A. TEDISCO, O'MARA, BALL -- Multi-Sponsored by -- M. of A. ALFANO, AMEDORE, BACALLES, BARCLAY, BURLING, CONTE, CROUCH, DUPREY, FINCH, HAWLEY, KOLB, McKEVITT, J. MILLER, MOLINARO, OAKS, QUINN, RAIA, REILICH, SAYWARD, SCOZZAFAVA, SPANO, THIELE, TOWNSEND -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the correction law, in relation to requiring the department of motor vehicles to provide certain information on level three sex offenders to police officers and peace officers making an inquiry relating to a driver's license, non-driver identification card or motor vehicle registration

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

Section 1. Section 201 of the vehicle and traffic law is amended by adding a new subdivision 8 to read as follows:

8. THE COMMISSIONER SHALL MAINTAIN AND UPDATE, IN A TIMELY MANNER, ALL INFORMATION PROVIDED TO THE DEPARTMENT BY THE COMMISSIONER OF CRIMINAL JUSTICE SERVICES ON LEVEL THREE SEX OFFENDERS PURSUANT TO PARAGRAPH (C) OF SUBDIVISION SIX OF SECTION ONE HUNDRED SIXTY-EIGHT-L OF THE CORRECTION LAW. UPON RECEIPT OF ANY INQUIRY, IN WRITTEN OR ELECTRONIC FORM, FROM A POLICE OFFICER OR PEACE OFFICER RELATING TO THE DRIVER'S LICENSE OR NON-DRIVER IDENTIFICATION CARD OF ANY PERSON WHO IS A LEVEL THREE SEX OFFENDER PURSUANT TO ARTICLE SIX-C OF THE CORRECTION LAW, THE DEPARTMENT SHALL PROVIDE TO THE POLICE OFFICER OR PEACE OFFICER ALL INFORMATION RECEIVED BY THE DEPARTMENT FROM THE COMMISSIONER OF CRIMINAL JUSTICE SERVICES WITH REGARD TO SUCH SEX OFFENDER.

S 2. Paragraph (c) of subdivision 6 of section 168-l of the correction law, as separately amended by chapters 318 and 680 of the laws of 2005, is amended to read as follows:

(c) If the risk of repeat offense is high and there exists a threat to the public safety a level three designation shall be given to such sex offender. In such case, the law enforcement agency or agencies having jurisdiction and the law enforcement agency or agencies having had jurisdiction at the time of his or her conviction AND THE DEPARTMENT OF MOTOR VEHICLES shall be notified and may disseminate relevant informa-

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

LBD15959-01-0

tion which shall include a photograph and description of the offender and which may include the sex offender's exact name and any aliases used by the offender, exact address, address of the offender's place of employment, background information including the offender's crime of conviction, mode of operation, type of victim targeted, the name and address of any institution of higher education at which the sex offender is enrolled, attends, is employed or resides and the description of special conditions imposed on the offender to any entity with vulnerable populations related to the nature of the offense committed by such sex offender. Any entity receiving information on a sex offender may disclose or further disseminate such information at its discretion. In addition, in such case, the information described herein shall also be provided in the subdirectory established in this article and notwithstanding any other provision of law, such information shall, upon request, be made available to the public.

Such law enforcement agencies shall compile, maintain and update a listing of vulnerable organizational entities within its jurisdiction. Such listing shall be utilized for notification of such organizations in disseminating such information on level three sex offenders pursuant to this paragraph. Such listing shall include and not be limited to: superintendents of schools or chief school administrators, superintendents of parks, public and private libraries, public and private school bus transportation companies, day care centers, nursery schools, preschools, neighborhood watch groups, community centers, civic associations, nursing homes, victim's advocacy groups and places of worship.

S 3. This act shall take effect on the first of January next succeeding the date on which it shall have become a law.