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

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2009-2010 Regular Sessions

I N A S S E M B L Y

January 12, 2009

Introduced by M. of A. DINOWITZ, DelMONTE, FIELDS, GUNTHER, LUPARDO, GALEF, MAISEL, WEISENBERG, CLARK -- Multi-Sponsored by -- M. of A. BOYLAND, CHRISTENSEN, CROUCH, DIAZ, ERRIGO, FINCH, GIGLIO, JOHN, KOON, P. LOPEZ, MARKEY, MAYERSOHN, McENENY, McKEVITT, SPANO, SWEENEY, TOWNSEND, WALKER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, in relation to establishing a methamphetamine manufacturer registry

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

Section 1. Short title. This act shall be known and may be cited as the "methamphetamine manufacturer registry act".

S 2. The executive law is amended by adding a new section 837-s to read as follows:

S 837-S. METHAMPHETAMINE MANUFACTURER REGISTRY. 1. (A) THE DIVISION SHALL ESTABLISH AND MAINTAIN A METHAMPHETAMINE MANUFACTURER REGISTRY FOR THE PURPOSE OF IDENTIFYING PERSONS CONVICTED OF MANUFACTURING METHAMPHETAMINE, AS SET FORTH IN SUBDIVISION TWO OF THIS SECTION. THE METHAMPHETAMINE MANUFACTURER REGISTRY SHALL CONTAIN SUCH INDIVIDUAL'S NAME, DATE OF BIRTH, OFFENSE OR OFFENSES REQUIRING INCLUSION IN THE METHAMPHETAMINE MANUFACTURER REGISTRY, THE CONVICTION DATE AND COUNTY OF EACH SUCH OFFENSE, AND SUCH OTHER IDENTIFYING INFORMATION AS THE DIVISION DEEMS NECESSARY TO IDENTIFY SUCH INDIVIDUAL, BUT SHALL NOT INCLUDE THE SOCIAL SECURITY NUMBER OF SUCH PERSON.

(B) THE DIVISION SHALL MAKE THE INFORMATION CONTAINED IN THE REGISTRY ACCESSIBLE TO THE PUBLIC AND ON THE INTERNET THROUGH THE DIVISION'S WEBSITE. THE DIVISION SHALL UPDATE INFORMATION AS IT DEEMS NECESSARY.

(C) THE DIVISION SHALL PROMULGATE RULES AND REGULATIONS NECESSARY TO IMPLEMENT THIS SECTION WHICH SHALL INCLUDE PROCEDURES TO ENSURE THAT THE INFORMATION IN THE REGISTRY IS ACCURATE, AND THAT THE INFORMATION IN THE REGISTRY REFLECTS ANY CHANGES BASED ON THE REVERSAL OF A CONVICTION FOR

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

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AN OFFENSE REQUIRING INCLUSION IN THE METHAMPHETAMINE MANUFACTURER REGISTRY, OR A COURT ORDER REQUIRING THE SEALING OR EXPUNGEMENT OF RECORDS RELATING TO THE OFFENSE. A CERTIFIED COPY OF SUCH AN ORDER SHALL BE DEEMED PRIMA FACIE TRUE AND CORRECT AND, SHALL BE SUFFICIENT TO REQUIRE THE IMMEDIATE AMENDMENT OR REMOVAL OF ANY PERSON'S INFORMATION FROM THE REGISTRY.

2. FOR THE PURPOSES OF THIS SECTION A "METHAMPHETAMINE MANUFACTURER" SHALL MEAN A PERSON CONVICTED OF ANY OF THE FOLLOWING OFFENSES: CRIMINAL POSSESSION OF METHAMPHETAMINE MANUFACTURING MATERIAL IN THE SECOND DEGREE (220.70); CRIMINAL POSSESSION OF METHAMPHETAMINE MANUFACTURING MATERIAL IN THE FIRST DEGREE (220.71); CRIMINAL POSSESSION OF PRECURSORS OF METHAMPHETAMINE (220.72); UNLAWFUL MANUFACTURE OF METHAMPHETAMINE IN THE THIRD DEGREE (220.73); UNLAWFUL MANUFACTURE OF METHAMPHETAMINE IN THE SECOND DEGREE (220.74); UNLAWFUL MANUFACTURE OF METHAMPHETAMINE IN THE FIRST DEGREE (220.75); AND UNLAWFUL DISPOSAL OF METHAMPHETAMINE LABORATORY MATERIAL (220.76) OF THE PENAL LAW.

3. (A) ANY COURT CLERK OF A COURT HAVING JURISDICTION OVER THE OFFENSES ENUMERATED IN SUBDIVISION TWO OF THIS SECTION SHALL FORWARD MONTHLY TO THE DIVISION A COPY OF THE JUDGMENT FOR ANY PERSON CONVICTED OF AN OFFENSE WITHIN THE DEFINITION OF METHAMPHETAMINE MANUFACTURER, AS SET FORTH IN SUBDIVISION TWO OF THIS SECTION DURING THE PREVIOUS MONTH.

(B) WITHIN ONE HUNDRED TWENTY DAYS AFTER THE EFFECTIVE DATE OF THIS SECTION, THE COMMISSIONER OF CORRECTIONAL SERVICES SHALL FORWARD TO THE DIVISION A LIST OF ALL PERSONS INCARCERATED OR ON PAROLE OR POST-RELEASE SUPERVISION, WHO HAVE BEEN CONVICTED OF AN OFFENSE WITHIN THE DEFINITION OF METHAMPHETAMINE MANUFACTURER, AS SET FORTH IN SUBDIVISION TWO OF THIS SECTION.

4. THE DIVISION SHALL ALSO ESTABLISH A PUBLIC AWARENESS CAMPAIGN TO ADVISE THE PUBLIC OF THE PROVISIONS OF THIS SECTION.

S 3. This act shall take effect immediately.