

2132

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 15, 2009

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Introduced by M. of A. JOHN, PHEFFER, ALFANO -- Multi-Sponsored by -- M. of A. BARRA, CUSICK, CYMBROWITZ, DelMONTE, DESTITO, ENGLEBRIGHT, FIELDS, KOON, LENTOL, MAGEE, MAGNARELLI, ORTIZ, PAULIN, RAMOS, REILLY, SCHIMMINGER, WEINSTEIN -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to failure to register as a sex offender

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

1     Section 1. Section 168-t of the correction law, as amended by chapter  
2     373 of the laws of 2007, is amended to read as follows:  
3     S 168-t. Penalty. Any sex offender required to register or to verify  
4     pursuant to the provisions of this article who fails to register or  
5     verify in the manner and within the time periods provided for in this  
6     article shall be guilty of a class E felony upon conviction for the  
7     first offense, and upon conviction for a second or subsequent offense  
8     shall be guilty of a class D felony. Any sex offender who violates the  
9     provisions of section one hundred sixty-eight-v of this article shall be  
10    guilty of a class A misdemeanor upon conviction for the first offense,  
11    and upon conviction for a second or subsequent offense shall be guilty  
12    of a class D felony. Any such failure to register or verify may also be  
13    the basis for revocation of parole pursuant to section two hundred  
14    fifty-nine-i of the executive law or the basis for revocation of  
15    probation pursuant to article four hundred ten of the criminal procedure  
16    law.     WHEN AN OFFENDER IS DETERMINED UNDER THIS SECTION TO HAVE FAILED  
17    TO REGISTER OR VERIFY, THE PERIOD OF TIME THE OFFENDER FAILED TO REGIS-  
18    TER OR VERIFY SHALL BE ADDED TO THE DURATION SUCH OFFENDER IS REQUIRED  
19    TO REGISTER PURSUANT TO SECTION ONE HUNDRED SIXTY-EIGHT-H OF THIS ARTI-  
20    CLE.     IN SUCH EVENT, EXCEPT WHEN LIFETIME REGISTRATION IS REQUIRED, THE  
21    DIVISION SHALL NOTIFY THE OFFENDER OF THE ADDITIONAL REGISTRATION  
22    REQUIREMENT.  
23    S 2. This act shall take effect on the first of November next succeed-  
24    ing the date on which it shall have become a law.

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