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

2139

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. O'MARA, THIELE, TEDISCO, QUINN, KOLB, DUPREY -- Multi-Sponsored by -- M. of A. BARCLAY, BURLING, CALHOUN, FINCH, GIGLIO, P. LOPEZ, MOLINARO, SAYWARD, SPANO, TOWNSEND, WALKER -- read once and referred to the Committee on Correction

AN ACT to amend the correction law and the vehicle and traffic law, in relation to identifying registered sex offenders

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

Section 1. Section 168-b of the correction law is amended by adding a new subdivision 12 to read as follows:

12. THE DIVISION SHALL, TO AID IN THE IDENTIFICATION OF REGISTERED SEX OFFENDERS, MAKE INFORMATION AVAILABLE TO THE COMMISSIONER OF MOTOR VEHICLES IN ORDER TO COMPLY WITH THE PROVISIONS OF SECTION FIVE HUNDRED SEVEN OF THE VEHICLE AND TRAFFIC LAW.

S 2. Section 168-d of the correction law is amended by adding a new subdivision 5 to read as follows:

5. UPON A CONVICTION AS A SEX OFFENDER PURSUANT TO THIS ARTICLE, THE COURT SHALL TAKE POSSESSION OF THE DRIVER'S LICENSE AND SHALL TENDER TO THE PERSON BEING SENTENCED A TEMPORARY LICENSE, DIRECTING THAT SUCH PERSON REPORT TO THE DEPARTMENT OF MOTOR VEHICLES FOR A REPLACEMENT DRIVER'S LICENSE IN ACCORDANCE WITH SUBDIVISION SIX OF SECTION FIVE HUNDRED SEVEN OF THE VEHICLE AND TRAFFIC LAW. UPON A PERSON BEING REMOVED FROM THE REGISTRATION REQUIREMENT, THE DEPARTMENT OF MOTOR VEHICLES SHALL ISSUE A LICENSE WITHOUT THE SEX OFFENDER CODE PRINTED UPON THE LICENSE AT NO CHARGE.

S 3. Subdivision 3 of section 168-f of the correction law, as amended by chapter 11 of the laws of 2002, is amended to read as follows:

3. The provisions of subdivision two of this section shall be applied to a sex offender required to register under this article except that such sex offender designated as a sexual predator or having been given a level three designation must personally verify his or her address with

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

LBD03331-01-9

the local law enforcement agency, OR WITH THE STATE POLICE IF THERE BE NO LOCAL LAW ENFORCEMENT AGENCY, every ninety calendar days after the date of release or commencement of parole or post-release supervision, or probation, or release on payment of a fine, conditional discharge or unconditional discharge. The duty to personally verify shall be temporarily suspended during any period in which the sex offender is confined to any state or local correctional facility, hospital or institution and shall immediately recommence on the date of the sex offender's release.

S 4. Section 168-l of the correction law is amended by adding a new subdivision 6-a to read as follows:

6-A. SEX OFFENDERS DESIGNATED PURSUANT TO PARAGRAPH (C) OF SUBDIVISION SIX OF THIS SECTION SHALL, IN ADDITION TO THE OTHER REQUIREMENTS OF THIS ARTICLE, REGISTER WITH THE DEPARTMENT OF MOTOR VEHICLES. STATE AND LOCAL LAW ENFORCEMENT AGENCIES SHALL SHARE ALL INFORMATION REGARDING SUCH OFFENDERS. NEIGHBORS OF SUCH SEX OFFENDERS SHALL BE NOTIFIED BY THE APPROPRIATE LAW ENFORCEMENT AGENCY OF THE SEX OFFENDER'S PRESENCE. ANY RESIDENT WITHIN A RADIUS OF TWO HUNDRED FEET OF THE SEX OFFENDER'S RESIDENCE SHALL BE DEEMED A NEIGHBOR.

S 5. Section 507 of the vehicle and traffic law is amended by adding two new subdivisions 6 and 7 to read as follows:

6. IDENTIFICATION OF SEX OFFENDERS ON LICENSES. THE COMMISSIONER SHALL REQUIRE THAT EVERY LICENSE ISSUED TO OR RECEIVED BY A PERSON REGISTERED AS A SEX OFFENDER WITH THE DEPARTMENT BY THE DIVISION OF CRIMINAL JUSTICE SERVICES, PURSUANT TO SECTION ONE HUNDRED SIXTY-EIGHT-B OF THE CORRECTION LAW, BEAR A LETTERED CODE DESIGNATED BY THE DEPARTMENT, TO IDENTIFY SUCH PERSON AS A CONVICTED SEX OFFENDER. THE COMMISSIONER SHALL CHARGE A TWENTY-FIVE DOLLAR FEE FOR THE REPLACEMENT LICENSE.

7. THE COMMISSIONER SHALL CAUSE A STATEWIDE DATABASE TO BE ESTABLISHED CONTAINING THE REGISTRATION INFORMATION GATHERED PURSUANT TO SUBDIVISION SIX OF THIS SECTION. SUCH DATABASE SHALL BE MADE AVAILABLE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES UPON REQUEST THEREFROM.

S 6. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.