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

2630

2009-2010 Regular Sessions

I N A S S E M B L Y

January 21, 2009

Introduced by M. of A. ORTIZ, TOBACCO, SPANO -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to requiring sex offenders who repeatedly fail to register and verify to wear a location-transmitting device

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

Section 1. Section 168-t of the correction law, as amended by chapter 373 of the laws of 2007, is amended to read as follows:

S 168-t. Penalty. 1. Any sex offender required to register or to verify pursuant to the provisions of this article who fails to register or verify in the manner and within the time periods provided for in this article shall be guilty of a class E felony upon conviction for the first offense, and upon conviction for a second or subsequent offense shall be guilty of a class D felony. Any sex offender who violates the provisions of section one hundred sixty-eight-v of this article shall be guilty of a class A misdemeanor upon conviction for the first offense, and upon conviction for a second or subsequent offense shall be guilty of a class D felony. Any such failure to register or verify may also be the basis for revocation of parole pursuant to section two hundred fifty-nine-i of the executive law or the basis for revocation of probation pursuant to article four hundred ten of the criminal procedure law.

2. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN ADDITION TO ANY OTHER PENALTY PROVIDED IN THIS SECTION, ANY SEX OFFENDER FOUND GUILTY OF A VIOLATION OF THIS SECTION ON TWO OR MORE OCCASIONS SHALL, IF SENTENCED TO PROBATION, BE REQUIRED TO WEAR AT ALL TIMES FOR THE DURATION OF THE PERIOD OF PROBATION A LOCATION-TRANSMITTING DEVICE, AND, IF SENTENCED TO A PERIOD OF IMPRISONMENT, BE REQUIRED TO WEAR AT ALL TIMES FOR THE DURATION OF ANY PERIOD OF PAROLE, CONDITIONAL RELEASE OR POST-RELEASE SUPERVISION A LOCATION-TRANSMITTING DEVICE.

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

LBD03402-01-9

(B) THE LOCATION-TRANSMITTING DEVICE SHALL BE ATTACHED TO THE SEX OFFENDER BY THE AGENCY SUPERVISING THE SEX OFFENDER AND SUCH AGENCY SHALL REGULARLY AND FREQUENTLY MONITOR THE INFORMATION TRANSMITTED BY THE LOCATION-TRANSMITTING DEVICE.

(C) ANY SEX OFFENDER WHO IS REQUIRED TO BE MONITORED PURSUANT TO THE PROVISIONS OF THIS SUBDIVISION WHO VIOLATES SUCH REQUIREMENT SHALL UPON CONVICTION BE GUILTY OF A CLASS D FELONY. SUCH VIOLATION MAY ALSO BE THE BASIS FOR REVOCATION OF PAROLE PURSUANT TO SECTION TWO HUNDRED FIFTY-NINE-I OF THE EXECUTIVE LAW OR THE BASIS FOR THE REVOCATION OF PROBATION PURSUANT TO ARTICLE FOUR HUNDRED TEN OF THE CRIMINAL PROCEDURE LAW.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law, provided that any rules and regulations necessary to implement the provisions of subdivision 2 of section 168-t of the correction law, as added by section one of this act, on its effective date are authorized and directed to be completed on or before such date.