

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:

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. 1. 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.
17 2. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN
18 ADDITION TO ANY OTHER PENALTY PROVIDED IN THIS SECTION, ANY SEX OFFENDER
19 FOUND GUILTY OF A VIOLATION OF THIS SECTION ON TWO OR MORE OCCASIONS
20 SHALL, IF SENTENCED TO PROBATION, BE REQUIRED TO WEAR AT ALL TIMES FOR
21 THE DURATION OF THE PERIOD OF PROBATION A LOCATION-TRANSMITTING DEVICE,
22 AND, IF SENTENCED TO A PERIOD OF IMPRISONMENT, BE REQUIRED TO WEAR AT
23 ALL TIMES FOR THE DURATION OF ANY PERIOD OF PAROLE, CONDITIONAL RELEASE
24 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

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

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

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