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

3669

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. KOON, ALFANO -- read once and referred to the Committee on Correction

AN ACT to amend the executive law and the correction law, in relation to authorizing the governor to enter into compacts with other states for out-of-state sex offender registration

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

Section 1. The executive law is amended by adding a new article 13-B to read as follows:

ARTICLE 13-B

OUT-OF-STATE SEX OFFENDER REGISTRATION

SECTION 268. COMPACTS WITH OTHER STATES FOR OUT-OF-STATE SEX OFFENDER REGISTRATION.

S 268. COMPACTS WITH OTHER STATES FOR OUT-OF-STATE SEX OFFENDER REGISTRATION. 1. IN FURTHERANCE OF THE PROVISIONS OF SUBDIVISION TWO OF SECTION ONE HUNDRED SIXTY-EIGHT-B AND SECTION ONE HUNDRED SIXTY-EIGHT-U OF THE CORRECTION LAW, THE GOVERNOR IS HEREBY AUTHORIZED AND DIRECTED TO NEGOTIATE AND ENTER INTO A COMPACT ON BEHALF OF THE STATE OF NEW YORK WITH ANY STATE OF THE UNITED STATES OF AMERICA LEGALLY JOINING THEREIN IN THE FORM SUBSTANTIALLY AS FOLLOWS:

A COMPACT

ENTERED INTO BY AND AMONG THE CONTRACTING STATES, SIGNATORIES HERETO, THE CONTRACTING STATES SOLEMNLY AGREE:

(A) THAT IT SHALL BE COMPETENT FOR THE DULY CONSTITUTED JUDICIAL AND ADMINISTRATIVE AUTHORITIES OF A STATE PARTY TO THIS COMPACT TO MAKE THE INFORMATION IN SUCH PARTY'S SEX OFFENDER REGISTRY AVAILABLE TO THE AUTHORITY WHICH MAINTAINS THE SEX OFFENDER REGISTRY OF ANOTHER STATE PARTY TO THIS COMPACT FOR THE PURPOSE OF SHARING INFORMATION AND MONITORING OR ASCERTAINING THE STATUS OR LOCATION OF ANY SEX OFFENDER OR SEX OFFENDERS.

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

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(B) THAT EACH STATE PARTY SHALL IMMEDIATELY PROVIDE NOTICE TO THE APPROPRIATE AGENCY OF ANOTHER STATE PARTY WHOM SUCH PARTY HAS KNOWLEDGE THAT A SEX OFFENDER HAS LEFT THE STATE AND THE DESTINATION OF SUCH SEX OFFENDER, IF KNOWN.

(C) THAT THE DULY ACCREDITED OFFICERS OF A STATE PARTY IN WHICH A SEX OFFENDER IS REQUIRED TO REGISTER AND/OR VERIFY SUCH REGISTRATION WITH SUCH STATE'S SEX OFFENDER REGISTRY MAY AT ALL TIMES ENTER ANOTHER STATE PARTY AND THERE APPREHEND AND RETAKE ANY SUCH SEX OFFENDER WHO FAILS TO REGISTER AND/OR VERIFY SUCH REGISTRATION WITH THE SEX OFFENDER REGISTRY OF SUCH OTHER STATE.

(D) THAT THE GOVERNOR OF EACH STATE MAY DESIGNATE AN OFFICER WHO, ACTING JOINTLY WITH LIKE OFFICERS OF OTHER CONTRACTING STATES, IF AND WHEN APPOINTED, SHALL PROMULGATE SUCH RULES AND REGULATIONS AS MAY BE DEEMED NECESSARY TO MORE EFFECTIVELY CARRY OUT THE TERMS OF THIS COMPACT.

(E) THAT THIS COMPACT SHALL BECOME OPERATIVE IMMEDIATELY UPON ITS RATIFICATION BY ANY STATE AS BETWEEN IT AND ANY OTHER STATE OR STATES SO RATIFYING. WHEN RATIFIED IT SHALL HAVE THE FULL FORCE AND EFFECT OF LAW WITHIN SUCH STATE, THE FORM OF RATIFICATION TO BE IN ACCORDANCE WITH THE LAWS OF THE RATIFYING STATE.

(F) THAT THIS COMPACT SHALL CONTINUE IN FORCE AND REMAIN BINDING UPON EACH RATIFYING STATE UNTIL RENOUNCED BY IT. THE DUTIES AND OBLIGATIONS HEREUNDER OF A RENOUNCING STATE SHALL CONTINUE AS TO SEX OFFENDERS RESIDING THEREIN AT THE TIME OF WITHDRAWAL. RENUNCIATION OF THIS COMPACT SHALL BE BY THE SAME AUTHORITY WHICH RATIFIED IT, BY SENDING SIX MONTHS' NOTICE IN WRITING OF ITS INTENTION TO WITHDRAW FROM THE COMPACT TO THE OTHER STATES PARTY HERETO.

2. THE COMMISSIONER OF THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL HAVE POWER AND SHALL BE CHARGED WITH THE DUTY OF PROMULGATING SUCH RULES AND REGULATIONS AS MAY BE DEEMED NECESSARY TO CARRY OUT THE TERMS OF A COMPACT ENTERED INTO BY THE STATE PURSUANT TO THIS SECTION.

3. IF ANY SENTENCE, SUBDIVISION OR CLAUSE OF THIS SECTION IS FOR ANY REASON HELD INVALID OR TO BE UNCONSTITUTIONAL, SUCH DECISION SHALL NOT AFFECT THE VALIDITY OF THE REMAINING PORTIONS OF THIS SECTION.

S 2. Paragraph a of subdivision 2 of section 168-b of the correction law, as amended by chapter 645 of the laws of 2005, is amended to read as follows:

a. The division is authorized to make the registry available to any STATE, regional or national registry of sex offenders for the purpose of sharing information AND MONITORING OR ASCERTAINING THE STATUS AND LOCATION OF SEX OFFENDERS. The division shall accept files from any STATE, regional or national registry of sex offenders and shall make such files available when requested pursuant to the provisions of this article.

S 3. This act shall take effect immediately.