

4040

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. AUBRY -- Multi-Sponsored by -- M. of A. BARRA,  
COOK, GALEF, MAGEE, PHEFFER -- read once and referred to the Committee  
on Correction

AN ACT to amend the social services law, in relation to sex offender  
registry checks for youth organization volunteers

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

1 Section 1. The social services law is amended by adding a new section  
2 378-b to read as follows:

3 S 378-B. SEX OFFENDER REGISTRY CHECKS FOR YOUTH ORGANIZATION VOLUN-  
4 TEERS. 1. AS USED IN THIS SECTION:

5 (A) "YOUTH ORGANIZATION" MEANS ANY PUBLIC OR PRIVATE AGENCY, ORGAN-  
6 IZATION, ASSOCIATION OR GROUP ORGANIZED AND FUNCTIONING, IN WHOLE OR IN  
7 PART, FOR THE PURPOSE OF PROVIDING YOUTH WITH THE OPPORTUNITY TO  
8 PARTICIPATE IN SUPERVISED ACTIVITIES, INCLUDING BUT NOT LIMITED TO  
9 SPORTING, RECREATIONAL, EDUCATIONAL OR RELIGIOUS ACTIVITIES. AS USED  
10 HEREIN, "YOUTH ORGANIZATION" SHALL INCLUDE ONLY THOSE ORGANIZATIONS THAT  
11 USE VOLUNTEERS TO SUPERVISE YOUTH AND EXCLUDE INSTITUTIONS WHICH ARE  
12 SANCTIONED BY THE STATE EDUCATION DEPARTMENT TO PROVIDE EDUCATIONAL  
13 INSTRUCTION TO YOUTH.

14 (B) "YOUTH" MEANS A PERSON UNDER THE AGE OF EIGHTEEN.

15 2. (A) BEFORE ANY PERSON IS PERMITTED TO VOLUNTEER HIS OR HER SERVICES  
16 WITH A YOUTH ORGANIZATION WHERE SUCH PERSON IS EXPECTED TO HAVE DIRECT  
17 CONTACT WITH YOUTH, SUCH YOUTH ORGANIZATION MUST, BY USE OF THE SPECIAL  
18 TELEPHONE NUMBER DESCRIBED IN SECTION ONE HUNDRED SIXTY-EIGHT-P OF THE  
19 CORRECTION LAW, REQUEST THAT AN INQUIRY BE MADE OF THE STATEWIDE SEX  
20 OFFENDER REGISTRY OPERATED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES  
21 TO DETERMINE WHETHER THE PROSPECTIVE VOLUNTEER IS LISTED IN THE REGISTRY  
22 AS A PERSON WHO MUST REGISTER AS A SEX OFFENDER OR A SEXUALLY VIOLENT  
23 PREDATOR UNDER ARTICLE SIX-C OF THE CORRECTION LAW.

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

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1 (B) NO LATER THAN JANUARY FIRST, TWO THOUSAND TEN, YOUTH ORGANIZATIONS  
2 SHALL CAUSE TO BE CONDUCTED THE STATEWIDE SEX OFFENDER REGISTRY INQUIRY  
3 DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION FOR ALL ACTIVE VOLUNTEERS  
4 OF SUCH ORGANIZATION WHERE SUCH VOLUNTEER HAS DIRECT CONTACT WITH YOUTH.  
5 ANY SUBSEQUENT STATEWIDE SEX OFFENDER REGISTRY INQUIRIES INITIATED BY  
6 SUCH YOUTH ORGANIZATION SHALL BE MADE AT THE DISCRETION OF THE YOUTH  
7 ORGANIZATION.

8 3. A YOUTH ORGANIZATION, PRIOR TO INITIATING THE STATEWIDE SEX OFFEN-  
9 DER REGISTRY INQUIRY DESCRIBED IN PARAGRAPHS (A) AND (B) OF SUBDIVISION  
10 TWO OF THIS SECTION, SHALL INFORM THE VOLUNTEER OR PERSON SEEKING TO  
11 VOLUNTEER HIS OR HER SERVICES THAT SUCH INQUIRY WILL BE PERFORMED. THE  
12 YOUTH ORGANIZATION SHALL PROVIDE THE VOLUNTEER OR PROSPECTIVE VOLUNTEER  
13 THE OPPORTUNITY TO CEASE SUCH VOLUNTEER SERVICES BEFORE SUCH INQUIRY IS  
14 INITIATED.

15 4. A YOUTH ORGANIZATION IS PROHIBITED FROM PERMITTING ANY PERSON  
16 DETERMINED TO BE LISTED IN THE STATEWIDE SEX OFFENDER REGISTRY PURSUANT  
17 TO PARAGRAPHS (A) AND (B) OF SUBDIVISION TWO OF THIS SECTION TO VOLUN-  
18 TEER HIS OR HER SERVICES WITH SUCH ORGANIZATION WHERE SUCH PERSON HAS OR  
19 IS EXPECTED TO HAVE DIRECT CONTACT WITH YOUTH.

20 5. THE PROVISIONS OF ARTICLE SIX-C OF THE CORRECTION LAW WHICH  
21 RESTRICT THE USE AND DISSEMINATION OF INFORMATION OBTAINED FROM THE  
22 STATEWIDE SEX OFFENDER REGISTRY SHALL APPLY TO YOUTH ORGANIZATIONS.

23 6. A WILLFUL VIOLATION OF ANY OF THE PROVISIONS OF THIS SECTION SHALL  
24 SUBJECT SUCH ORGANIZATION TO A CIVIL PENALTY OF NOT MORE THAN ONE  
25 HUNDRED DOLLARS PROVIDED, HOWEVER, THAT FOR A SECOND OR SUBSEQUENT  
26 VIOLATION THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES  
27 MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN TWO HUNDRED DOLLARS.

28 S 2. This act shall take effect immediately.