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

6553

2009-2010 Regular Sessions

I N A S S E M B L Y

March 6, 2009

Introduced by M. of A. SCOZZAFAVA, McDONOUGH, O'MARA, SPANO -- Multi-Sponsored by -- M. of A. ALFANO, BACALLES, BARCLAY, BARRA, BURLING, BUTLER, CALHOUN, CONTE, CROUCH, ERRIGO, FINCH, FITZPATRICK, GIGLIO, HAYES, KOLB, MILLER, OAKS, QUINN, RABBITT, RAIA, REILICH, SALADINO, SAYWARD, TEDISCO, THIELE, TOBACCO, TOWNSEND -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to the penalty for failure to register by a sex offender

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

Section 1. Paragraph (c) of subdivision 2 of section 168-f of the correction law, as amended by chapter 453 of the laws of 1999, is amended to read as follows:

(c) If the sex offender fails to mail the signed verification form to the division within ten calendar days after receipt of the form, he or she shall be in violation of this section [unless he proves that he or she has not changed his or her residence address] AND SUBJECT TO THE PENALTIES SET FORTH IN SECTION ONE HUNDRED SIXTY-EIGHT-T OF THIS ARTICLE.

S 2. 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 LEVEL ONE OR LEVEL TWO 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 HAVE THE AMOUNT OF TIME THE OFFENDER EVADED REGISTRATION OR VERIFICATION ADDED TO THE DURATION SUCH SEX OFFENDER IS MANDATED TO REGISTER PURSUANT TO SECTION ONE HUNDRED SIXTY-EIGHT-H OF THIS ARTICLE,

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

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shall be guilty of a class [A misdemeanor] 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 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. ANY LEVEL THREE 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 HAVE THE AMOUNT OF TIME THE OFFENDER EVADED REGISTRATION OR VERIFICATION ADDED TO THE DURATION SUCH SEX OFFENDER IS MANDATED TO REGISTER PURSUANT TO SECTION ONE HUNDRED SIXTY-EIGHT-H OF THIS ARTICLE, SHALL BE GUILTY OF A CLASS D FELONY UPON CONVICTION FOR THE FIRST OFFENSE, AND UPON CONVICTION FOR A SECOND OR SUBSEQUENT OFFENSE SHALL BE GUILTY OF A CLASS C 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.

S 3. Section 168-w of the correction law, as relettered by chapter 604 of the laws of 2005, is relettered section 168-x and a new section 168-w is added to read as follows:

S 168-W. SUBMISSION OF FRAUDULENT INFORMATION RESPECTING IDENTITY OR RESIDENCE FOR THE PURPOSE OF REGISTRATION OR VERIFICATION; PENALTY. ANY SEX OFFENDER REQUIRED TO REGISTER OR TO VERIFY PURSUANT TO THE PROVISIONS OF THIS ARTICLE WHO, WITH FRAUDULENT INTENT, SUBMITS FALSE INFORMATION RESPECTING HIS OR HER IDENTITY OR RESIDENCE OR BOTH, FOR THE PURPOSE OF, OR IN THE COURSE OF, SATISFYING HIS OR HER DUTY TO REGISTER OR TO VERIFY PURSUANT TO THE PROVISIONS OF THIS ARTICLE, SHALL BE GUILTY OF A CLASS E FELONY.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.