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

6796

2009-2010 Regular Sessions

I N A S S E M B L Y

March 12, 2009

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

AN ACT to amend the correction law, in relation to monitoring of level two or three sex offenders

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

Section 1. Section 168-q of the correction law is amended by adding a new subdivision 3 to read as follows:

3. IN ADDITION TO ANY OTHER REQUIREMENT IMPOSED BY LAW, ANY SEX OFFENDER WHO HAS BEEN DESIGNATED AS A LEVEL TWO OR THREE OFFENDER SHALL, ANYTIME THEY ARE NOT OTHERWISE INCARCERATED, BE REQUIRED TO WEAR A GLOBAL POSITIONING SYSTEM DEVICE WHICH DETERMINES THEIR LOCATION WITHIN THE STATE, WHICH DEVICE SHALL BE ATTACHED AND MAINTAINED AROUND EITHER ANKLE OF SUCH PERSON. SUCH DEVICE KNOWN AS AN ANKLE TRACKING BRACELET SHALL BE WORN FOR THE DURATION OF THE PERIOD WHICH SUCH PERSON IS REQUIRED TO REGISTER PURSUANT TO THIS ARTICLE. SUCH DEVICE SHALL BE CONTINUOUSLY MONITORED BY A COLLECTING AGENCY WHICH AGENCY SHALL BE SUBJECT TO RULES AND REGULATIONS PROMULGATED BY THE DIVISION. ANY NOTICE OF MOVEMENT OF THE SEX OFFENDER AS COLLECTED BY THE AGENCY MAY BE AVAILABLE TO THE PUBLIC UPON APPLICATION AS DETERMINED BY THE DIVISION TO BE PROPER FOR RELEASE. IN ADDITION SUCH DEVICES SHALL BE CAPABLE OF BEING MONITORED BY THE PUBLIC IN GENERAL ON THE DIVISION WEBSITE OR AN APPROPRIATE MONITORING DEVICE. ANY SENTENCE IMPOSED UNDER THIS ARTICLE FOR A VIOLATION OF THIS SUBDIVISION SHALL INCLUDE INCARCERATION FOR A TERM DETERMINED BY THE COURT. ANY FUNDS NECESSARY FOR THE IMPLEMENTATION OF THE PROVISIONS OF THIS SECTION BY A LOCAL POLICE OR SHERIFF'S DEPARTMENT SHALL BE PROVIDED BY THE STATE UNDER RULES AND REGULATIONS OF THE COMMISSIONER.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law; provided that any rules and regulations necessary to implement the provisions of this act on its effective date are authorized and directed to be promulgated on or before such effective date.

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

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