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

841

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. GUNTHER, LUPARDO, CUSICK, RAMOS, PHEFFER, HYER-SPENCER, ZEBROWSKI, SPANO -- Multi-Sponsored by -- M. of A. ABBATE, ALFANO, BARRA, CARROZZA, COLTON, DelMONTE, DESTITO, ENGLEBRIGHT, FIELDS, JOHN, KOON, LATIMER, LIFTON, MAGEE, MAGNARELLI, McKEVITT, PAULIN, REILLY, N. RIVERA, SALADINO, SCHIMMINGER, WEINSTEIN, WEISENBERG -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to sex offender verification

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

Section 1. Subdivision 2 of section 168-f of the correction law is amended by adding a new paragraph (c-2) to read as follows:

(C-2) (I) IF THE DIVISION DOES NOT RECEIVE THE SIGNED VERIFICATION FORM WITHIN TWENTY CALENDAR DAYS AFTER MAILING THE FORM TO THE REGISTRANT, THE DIVISION SHALL PROMPTLY NOTIFY THE SUPERVISING PROBATION OR PAROLE OFFICER OR, IF THE OFFENDER IS NOT ON PROBATION OR PAROLE, THE LOCAL LAW ENFORCEMENT AGENCY SERVING THE REGISTRANT'S REGISTRATION ADDRESS, FORWARD THE VERIFICATION FORM, AND REQUEST THAT OFFICERS OF SUCH AGENCY VISIT THE REGISTRATION ADDRESS AND MAKE REASONABLE EFFORTS TO CONFIRM THAT THE REGISTRANT CONTINUES TO LIVE THERE.

(II) (A) IF IT APPEARS TO THESE OFFICERS THAT THE REGISTRANT NO LONGER LIVES AT THE REGISTRATION ADDRESS, THEY SHALL NOTIFY THE DIVISION AND THE APPROPRIATE DISTRICT ATTORNEY. IF IT APPEARS TO THESE OFFICERS THAT THE REGISTRANT CONTINUES TO LIVE AT THE REGISTRATION ADDRESS, THE OFFICERS SHALL PRESENT AN APPROPRIATE VERIFICATION FORM FOR THE REGISTRANT TO SIGN. IF THE REGISTRANT PROPERLY COMPLETES AND SIGNS THE FORM, THE OFFICERS SHALL ACCEPT THE COMPLETED FORM AND FORWARD IT TO THE DIVISION. IF THE REGISTRANT DOES NOT PROPERLY COMPLETE AND SIGN THE FORM, THE OFFICERS SHALL NOTIFY THE DIVISION AND THE APPROPRIATE DISTRICT ATTORNEY.

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

(B) NOTWITHSTANDING PARAGRAPH (C) OF THIS SUBDIVISION, AN OFFENDER LIVING AT THE REGISTRATION ADDRESS WHO REFUSES TO SIGN THE VERIFICATION FORM PRESENTED IN ACCORDANCE WITH THIS SUBPARAGRAPH SHALL BE GUILTY, PURSUANT TO SECTION ONE HUNDRED SIXTY-EIGHT-T OF THIS ARTICLE, 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, AND FAILURE TO 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.

(III) IF A SEX OFFENDER FAILS TO MAIL A SIGNED VERIFICATION FORM TO THE DIVISION IN THE MANNER AND WITHIN THE TIME PERIOD PROVIDED FOR IN THIS SUBDIVISION, THE DIVISION, IN ADDITION TO ANY OTHER PENALTY THAT MAY BE IMPOSED, SHALL ASSESS AGAINST THE OFFENDER A CIVIL PENALTY EQUAL TO THE COST INCURRED BY LAW ENFORCEMENT OFFICIALS IN VISITING THE REGISTRATION ADDRESS, UP TO TWO HUNDRED DOLLARS. EACH ANNUAL VERIFICATION FORM MAILED TO A SEX OFFENDER PURSUANT TO THIS SUBDIVISION SHALL INCLUDE A CONSPICUOUS NOTICE OF THE PROVISIONS OF THIS SUBDIVISION.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.