

1661

2009-2010 Regular Sessions

I N S E N A T E

February 4, 2009

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to facilitating compliance with the sex offender registry for offenders without a registrable residence

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

1 Section 1. Section 168-a of the correction law is amended by adding
2 two new subdivisions 19 and 20 to read as follows:
3 19. "HOMELESS SEX OFFENDER" MEANS A PERSON REQUIRED TO REGISTER AS A
4 SEX OFFENDER WHO DOES NOT HAVE A REGISTERABLE RESIDENCE. FOR THE
5 PURPOSES OF THIS SECTION A REGISTERABLE RESIDENCE IS AN ADDRESS WHERE
6 THE SEX OFFENDER ACTUALLY RESIDES AND WHERE THE SEX OFFENDER MAY RECEIVE
7 MAIL. SHOULD A SEX OFFENDER HAVE AN ADDRESS WHERE HE OR SHE ACTUALLY
8 RESIDES THAT THE UNITED STATES POSTAL SERVICE DOES NOT DELIVER MAIL, BUT
9 SUCH SEX OFFENDER DOES MAINTAIN A VALID POSTAL BOX TO RECEIVE HIS OR HER
10 MAIL, THEN SUCH OFFENDER SHALL NOT BE CONSIDERED HOMELESS FOR THE
11 PURPOSES OF THIS SECTION.
12 20. "SEX OFFENDER REGISTRATION OFFICER" MEANS A PERSON DESIGNATED BY
13 THE COUNTY TO COLLECT INFORMATION REGARDING THE LOCATION OF HOMELESS SEX
14 OFFENDERS AND REPORT SUCH TO THE DIVISION FOR INCLUSION ON THE SEX
15 OFFENDER REGISTRY. THE SEX OFFENDER REGISTRATION OFFICER SHALL ALSO
16 PROVIDE, ON BEHALF OF THE DIVISION, NECESSARY NOTIFICATIONS TO SUCH
17 OFFENDERS. SEX OFFENDER REGISTRATION OFFICERS ARE AUTHORIZED TO SHARE
18 INFORMATION REGARDING THE LOCATION OF HOMELESS SEX OFFENDERS WITH OTHER
19 SEX OFFENDER REGISTRATION OFFICERS WITHIN THE STATE, AS WELL AS WITH THE
20 DIVISION AND ANY AND ALL LAW ENFORCEMENT AGENCIES, PROBATION AND PAROLE.
21 THE SEX OFFENDER REGISTRATION OFFICER MAY DESIGNATE AGENTS, INCLUDING
22 BUT NOT LIMITED TO A LAW ENFORCEMENT AGENCY HAVING JURISDICTION, TO
23 FACILITATE THE COLLECTION OF LOCATION INFORMATION, AS WELL AS FACILITATE

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

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1 NOTIFICATIONS, SO LONG AS INFORMATION COLLECTED BY SUCH AGENTS IS IMME-
2 DIATELY FORWARDED TO THE SEX OFFENDER REGISTRATION OFFICER.

3 S 2. Paragraph (a) of subdivision 1 of section 168-b of the correction
4 law, as amended by chapter 67 of the laws of 2008, is amended to read as
5 follows:

6 (a) The sex offender's name, all aliases used, date of birth, sex,
7 race, height, weight, eye color, driver's license number, home address
8 and/or expected place of domicile, any internet accounts with internet
9 access providers belonging to such offender and internet identifiers
10 that such offender uses. IF THE SEX OFFENDER IS A HOMELESS SEX OFFENDER
11 AS DEFINED IN SUBDIVISION NINETEEN OF SECTION ONE HUNDRED SIXTY-EIGHT-A
12 OF THIS ARTICLE, THEN THE DIVISION SHALL INCLUDE THAT INFORMATION ALONG
13 WITH WHICH COUNTY'S SEX OFFENDER REGISTRATION OFFICER IS COLLECTING
14 LOCATION INFORMATION REGARDING THIS HOMELESS SEX OFFENDER.

15 S 3. Section 168-b of the correction law is amended by adding two new
16 subdivisions 12 and 13 to read as follows:

17 12. FOR ANY SEX OFFENDER WHO IS A HOMELESS SEX OFFENDER AS DEFINED IN
18 SUBDIVISION NINETEEN OF SECTION ONE HUNDRED SIXTY-EIGHT-A OF THIS ARTI-
19 CLE, THE SEX OFFENDER REGISTRATION OFFICER OF THE COUNTY IN WHICH THE
20 SEX OFFENDER IS LOCATED SHALL FACILITATE ALL NOTIFICATIONS REQUIRED BY
21 THIS SECTION ON BEHALF OF THE DIVISION.

22 13. THE DIVISION IS AUTHORIZED TO MAKE ANY AND ALL INFORMATION MAIN-
23 TAINED PURSUANT TO THIS SECTION, AVAILABLE TO ANY SEX OFFENDER REGISTRA-
24 TION OFFICER WITHIN THE STATE FOR THE FURTHERANCE OF THE PROVISIONS OF
25 THIS ARTICLE.

26 S 4. Section 168-f of the correction law is amended by adding a new
27 subdivision 7 to read as follows:

28 7. IF THE SEX OFFENDER IS A HOMELESS SEX OFFENDER AS DEFINED IN SUBDI-
29 VISION NINETEEN OF SECTION ONE HUNDRED SIXTY-EIGHT-A OF THIS ARTICLE,
30 THE SEX OFFENDER MUST REPORT TO THE SEX OFFENDER REGISTRATION OFFICER IN
31 THE COUNTY WHERE THE SEX OFFENDER IS LOCATED EVERY TEN CALENDAR DAYS
32 UNTIL SUCH SEX OFFENDER IS NO LONGER A HOMELESS SEX OFFENDER OR NO LONG-
33 ER REQUIRED TO REGISTER. WHEN THE SEX OFFENDER REPORTS HE OR SHE MUST
34 UPDATE ANY INFORMATION PREVIOUSLY PROVIDED PURSUANT TO THIS SECTION, AS
35 WELL AS INFORMATION AS TO WHERE HE OR SHE HAS HABITUALLY BEEN SPENDING
36 THE NIGHT AND ANY FURTHER INFORMATION RELEVANT TO WHERE HE OR SHE HAS
37 BEEN OR WILL BE STAYING, INCLUDING, BUT NOT LIMITED TO, ANY SHELTERS OR
38 EMERGENCY HOUSING. ALL REGISTRATIONS AND VERIFICATIONS REQUIRED OF THE
39 SEX OFFENDER UNDER THIS ARTICLE SHALL BE PROVIDED BY THE HOMELESS SEX
40 OFFENDER TO THE SEX OFFENDER REGISTRATION OFFICER IN THE COUNTY WHERE
41 THE SEX OFFENDER IS LOCATED, OR TO THAT OFFICER'S DESIGNATED AGENT, TO
42 BE FORWARDED TO THE DIVISION. NOTHING CONTAINED IN THIS SUBDIVISION
43 SHALL EXEMPT A HOMELESS SEX OFFENDER FROM ANY AND ALL REQUIREMENTS TO
44 APPEAR AT A LAW ENFORCEMENT AGENCY HAVING JURISDICTION. THE DIVISION
45 SHALL PROMULGATE RULES AND REGULATIONS RELATING TO PROCEDURES FOR FACIL-
46 ITATING REPORTING OF HOMELESS SEX OFFENDERS TO SEX OFFENDER REGISTRATION
47 OFFICERS, AS WELL AS FOR DISSEMINATING INFORMATION BY THE DIVISION TO
48 THE HOMELESS SEX OFFENDERS THROUGH THE SEX OFFENDER REGISTRATION OFFI-
49 CER.

50 S 5. Section 168-t of the correction law, as amended by chapter 373 of
51 the laws of 2007, is amended to read as follows:

52 S 168-t. Penalty. Any sex offender required to register or to verify
53 pursuant to the provisions of this article who fails to register or
54 verify in the manner and within the time periods provided for in this
55 article shall be guilty of a class E felony upon conviction for the
56 first offense, and upon conviction for a second or subsequent offense

1 shall be guilty of a class D felony. ANY HOMELESS SEX OFFENDER REQUIRED
2 TO REPORT TO A SEX OFFENDER REGISTRATION OFFICER PURSUANT TO THE
3 PROVISIONS OF THIS ARTICLE WHO FAILS TO REPORT IN THE MANNER AND WITHIN
4 THE TIME PERIODS PROVIDED FOR IN THIS ARTICLE SHALL BE GUILTY OF A CLASS
5 A MISDEMEANOR UPON CONVICTION FOR THE FIRST OFFENSE, AND UPON CONVICTION
6 FOR A SECOND OR SUBSEQUENT OFFENSE SHALL BE GUILTY OF A CLASS E FELONY.
7 Any sex offender who violates the provisions of section one hundred
8 sixty-eight-v of this article shall be guilty of a class A misdemeanor
9 upon conviction for the first offense, and upon conviction for a second
10 or subsequent offense shall be guilty of a class D felony. Any such
11 failure to register or verify may also be the basis for revocation of
12 parole pursuant to section two hundred fifty-nine-i of the executive law
13 or the basis for revocation of probation pursuant to article four
14 hundred ten of the criminal procedure law.
15 S 6. This act shall take effect on the ninetieth day after it shall
16 have become a law.