

2509

2009-2010 Regular Sessions

I N S E N A T E

February 23, 2009

Introduced by Sens. DeFRANCISCO, MAZIARZ -- 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 establishing a class D felony for sex offenders who fail to register or verify and are found at locations where children often frequent

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

1 Section 1. Section 168-t of the correction law, as amended by chapter  
2 373 of the laws of 2007, is amended to read as follows:

3 S 168-t. Penalty. 1. Any sex offender required to register or to veri-  
4 fy pursuant to the provisions of this article who fails to register or  
5 verify in the manner and within the time periods provided for in this  
6 article shall be guilty of a class E felony upon conviction for the  
7 first offense, and upon conviction for a second or subsequent offense  
8 shall be guilty of a class D felony. Any sex offender who violates the  
9 provisions of section one hundred sixty-eight-v of this article shall be  
10 guilty of a class A misdemeanor upon conviction for the first offense,  
11 and upon conviction for a second or subsequent offense shall be guilty  
12 of a class D felony.

13 2. ANY SEX OFFENDER REQUIRED TO REGISTER OR TO VERIFY PURSUANT TO THE  
14 PROVISIONS OF THIS ARTICLE WHO FAILS TO REGISTER OR VERIFY IN THE MANNER  
15 AND WITHIN THE TIME PERIODS PROVIDED FOR HEREIN AND WHO LOITERS AT  
16 PARKS, PLAYGROUNDS, SCHOOLS, CHILD DAY CARE CENTERS, LIBRARIES, AMUSE-  
17 MENT PARKS OR ANY OTHER LOCATION THAT CHILDREN ARE LIKELY TO FREQUENT AT  
18 A TIME WHEN CHILDREN ARE ACTUALLY PRESENT, SHALL BE GUILTY OF A CLASS D  
19 FELONY.

20 3. Any such failure to register or verify may also be the basis for  
21 revocation of parole pursuant to section two hundred fifty-nine-i of the  
22 executive law or the basis for revocation of probation pursuant to arti-  
23 cle four hundred ten of the criminal procedure law.

24 S 2. This act shall take effect on the first of November next succeed-  
25 ing the date on which it shall have become a law.

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

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