

4022

2009-2010 Regular Sessions

I N S E N A T E

April 7, 2009

Introduced by Sen. WINNER -- 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 enacting the "drug dealer registration act"

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

1 Section 1. The correction law is amended by adding a new article 6-B
2 to read as follows:

3 ARTICLE 6-B

4 DRUG DEALER REGISTRATION ACT

5 SECTION 167. SHORT TITLE.

6 167-A. DEFINITIONS.

7 167-B. DUTIES OF THE DIVISION; REGISTRATION INFORMATION.

8 167-C. DRUG DEALER; RELOCATION; NOTIFICATION.

9 167-D. DUTIES OF THE COURT.

10 167-E. DISCHARGE OF DRUG DEALER FROM CORRECTIONAL FACILITY;
11 DUTIES OF OFFICIAL IN CHARGE.

12 167-F. DUTY TO REGISTER AND TO VERIFY.

13 167-G. PRIOR CONVICTIONS; DUTY TO INFORM AND REGISTER.

14 167-H. DURATION OF REGISTRATION AND VERIFICATION.

15 167-I. REGISTRATION AND VERIFICATION REQUIREMENTS.

16 167-J. NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGE
17 OF ADDRESS.

18 167-K. REGISTRATION FOR CHANGE OF ADDRESS FROM ANOTHER STATE.

19 167-L. SPECIAL TELEPHONE NUMBER.

20 167-M. DIRECTORY; INTERNET POSTING.

21 167-N. IMMUNITY FROM LIABILITY.

22 167-O. ANNUAL REPORT.

23 167-P. PENALTY.

24 167-Q. UNAUTHORIZED RELEASE OF INFORMATION.

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

LBD11008-01-9

1 167-R. SEPARABILITY.

2 S 167. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS
3 THE "DRUG DEALER REGISTRATION ACT".

4 S 167-A. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING DEFINI-
5 TIONS APPLY:

6 1. "DRUG DEALER" INCLUDES ANY PERSON WHO IS CONVICTED OF ANY OF THE
7 OFFENSES SET FORTH IN SUBDIVISION TWO OF THIS SECTION. CONVICTIONS THAT
8 RESULT FROM OR ARE CONNECTED WITH THE SAME ACT, OR RESULT FROM OFFENSES
9 COMMITTED AT THE SAME TIME, SHALL BE COUNTED FOR THE PURPOSE OF THIS
10 ARTICLE AS ONE CONVICTION. ANY CONVICTION SET ASIDE PURSUANT TO LAW IS
11 NOT A CONVICTION FOR PURPOSES OF THIS ARTICLE.

12 2. "DRUG DEALER OFFENSE" MEANS: (A) A CONVICTION OF OR A CONVICTION
13 FOR AN ATTEMPT TO COMMIT ANY OF THE PROVISIONS OF SECTION 220.39,
14 220.41, 220.43, 220.44 OR 221.55 OF THE PENAL LAW;

15 (B) A CONVICTION OF OR A CONVICTION FOR AN ATTEMPT TO COMMIT ANY OF
16 THE PROVISIONS OF SECTION 220.31 OR 220.34 OF THE PENAL LAW, PROVIDED
17 THE VICTIM OF SUCH OFFENSE IS LESS THAN EIGHTEEN YEARS OF AGE; OR

18 (C) A CONVICTION OF OR A CONVICTION FOR AN ATTEMPT TO COMMIT ANY OF
19 THE PROVISIONS OF SECTION 220.31, 220.34 OR 220.28 OF THE PENAL LAW
20 REGARDLESS OF THE AGE OF THE VICTIM AND THE OFFENDER HAS PREVIOUSLY BEEN
21 CONVICTED OF (I) A DRUG DEALER OFFENSE DEFINED IN THIS ARTICLE, OR (II)
22 ANY OF THE PROVISIONS OF SECTION 220.31, 220.34 OR 220.28 OF THE PENAL
23 LAW, OR AN ATTEMPT THEREOF. A CONVICTION OF OR A CONVICTION FOR AN
24 ATTEMPT TO COMMIT ANY OF THE PROVISIONS OF SECTION 220.31, 220.34 OR
25 220.28 OF THE PENAL LAW PRIOR TO THE EFFECTIVE DATE OF THIS ARTICLE
26 SHALL CONSTITUTE A PREVIOUS CONVICTION FOR PURPOSES OF THIS PARAGRAPH;
27 OR

28 (D) A CONVICTION OF (I) AN OFFENSE IN ANY OTHER JURISDICTION WHICH
29 INCLUDES ALL OF THE ESSENTIAL ELEMENTS OF ANY SUCH CRIME PROVIDED FOR IN
30 PARAGRAPH (A), (B) OR (C) OF THIS SUBDIVISION, OR (II) A FELONY IN ANY
31 OTHER JURISDICTION FOR WHICH THE OFFENDER IS REQUIRED TO REGISTER AS A
32 DRUG DEALER IN THE JURISDICTION IN WHICH THE CONVICTION OCCURRED, OR
33 (III) ANY OF THE PROVISIONS OF THE FEDERAL LAW OF THE UNITED STATES,
34 PROVIDED THAT THE ELEMENTS OF SUCH CRIME OF CONVICTION ARE SUBSTANTIALLY
35 THE SAME AS THOSE SET FORTH IN PARAGRAPH (A), (B) OR (C) OF THIS SUBDI-
36 VISION.

37 3. "LAW ENFORCEMENT AGENCY HAVING JURISDICTION" MEANS: (A) (I) THE
38 CHIEF LAW ENFORCEMENT OFFICER IN THE VILLAGE, TOWN OR CITY IN WHICH THE
39 DRUG DEALER EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE, PROBATION,
40 PAROLE, RELEASE TO POST-RELEASE SUPERVISION OR UPON ANY FORM OF STATE OR
41 LOCAL CONDITIONAL RELEASE; OR (II) IF THERE BE NO CHIEF LAW ENFORCEMENT
42 OFFICER IN SUCH VILLAGE, TOWN OR CITY, THE CHIEF LAW ENFORCEMENT OFFICER
43 OF THE COUNTY IN WHICH THE OFFENDER EXPECTS TO RESIDE; OR (III) IF THERE
44 BE NO CHIEF ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN, CITY OR COUNTY,
45 THE DIVISION OF STATE POLICE; AND

46 (B) IN THE CASE OF A DRUG DEALER WHO IS OR EXPECTS TO BE EMPLOYED BY,
47 ENROLLED IN, ATTENDING OR EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AT
48 AN INSTITUTION OF HIGHER EDUCATION: (I) THE CHIEF LAW ENFORCEMENT OFFI-
49 CER IN THE VILLAGE, TOWN OR CITY IN WHICH SUCH INSTITUTION IS LOCATED;
50 OR (II) IF THERE BE NO CHIEF LAW ENFORCEMENT OFFICER IN SUCH VILLAGE,
51 TOWN OR CITY, THE CHIEF LAW ENFORCEMENT OFFICER OF THE COUNTY IN WHICH
52 SUCH INSTITUTION IS LOCATED; OR (III) IF THERE BE NO CHIEF LAW ENFORCE-
53 MENT OFFICER IN SUCH VILLAGE, TOWN, CITY OR COUNTY, THE DIVISION OF
54 STATE POLICE; AND (IV) IF SUCH INSTITUTION OPERATES OR EMPLOYS A CAMPUS
55 LAW ENFORCEMENT OR SECURITY AGENCY, THE CHIEF OF SUCH AGENCY.

1 4. "DIVISION" MEANS THE DIVISION OF CRIMINAL JUSTICE SERVICES AS
2 DEFINED BY SECTION EIGHT HUNDRED THIRTY-SIX OF THE EXECUTIVE LAW.

3 5. "LOCAL CORRECTIONAL FACILITY" MEANS A LOCAL CORRECTIONAL FACILITY
4 AS THAT TERM IS DEFINED IN SUBDIVISION SIXTEEN OF SECTION TWO OF THIS
5 CHAPTER.

6 6. "PROBATION" MEANS A SENTENCE OF PROBATION IMPOSED PURSUANT TO ARTI-
7 CLE SIXTY-FIVE OF THE PENAL LAW AND SHALL INCLUDE A SENTENCE OF IMPRI-
8 SONMENT IMPOSED IN CONJUNCTION WITH A SENTENCE OF PROBATION.

9 7. "INSTITUTION OF HIGHER EDUCATION" MEANS AN INSTITUTION IN THE STATE
10 PROVIDING HIGHER EDUCATION AS SUCH TERM IS DEFINED IN SUBDIVISION EIGHT
11 OF SECTION TWO OF THE EDUCATION LAW.

12 8. "NONRESIDENT WORKER" MEANS ANY PERSON REQUIRED TO REGISTER AS A
13 DRUG DEALER IN ANOTHER JURISDICTION WHO IS EMPLOYED OR CARRIES ON A
14 VOCATION IN THIS STATE, ON EITHER A FULL-TIME OR A PART-TIME BASIS, WITH
15 OR WITHOUT COMPENSATION, FOR MORE THAN FOURTEEN CONSECUTIVE DAYS, OR FOR
16 AN AGGREGATE PERIOD EXCEEDING THIRTY DAYS IN A CALENDAR YEAR.

17 9. "NONRESIDENT STUDENT" MEANS A PERSON REQUIRED TO REGISTER AS A DRUG
18 DEALER IN ANOTHER JURISDICTION WHO IS ENROLLED ON A FULL-TIME OR
19 PART-TIME BASIS IN ANY PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION IN THIS
20 STATE INCLUDING ANY SECONDARY SCHOOL, TRADE OR PROFESSIONAL INSTITUTION
21 OR INSTITUTION OF HIGHER EDUCATION.

22 S 167-B. DUTIES OF THE DIVISION; REGISTRATION INFORMATION. 1. THE
23 DIVISION SHALL ESTABLISH AND MAINTAIN A FILE OF INDIVIDUALS REQUIRED TO
24 REGISTER PURSUANT TO THE PROVISIONS OF THIS ARTICLE WHICH SHALL INCLUDE
25 THE FOLLOWING INFORMATION OF EACH REGISTRANT:

26 (A) THE DRUG DEALER'S NAME, ALL ALIASES USED, DATE OF BIRTH, SEX,
27 RACE, HEIGHT, WEIGHT, EYE COLOR, DRIVER'S LICENSE NUMBER, AND HOME
28 ADDRESS AND/OR EXPECTED PLACE OF DOMICILE.

29 (B) A PHOTOGRAPH AND SET OF FINGERPRINTS.

30 (C) A DESCRIPTION OF THE OFFENSE FOR WHICH THE DRUG DEALER WAS
31 CONVICTED, THE DATE OF CONVICTION AND THE SENTENCE IMPOSED.

32 (D) THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION AT
33 WHICH THE DRUG DEALER IS OR EXPECTS TO BE ENROLLED, ATTENDING OR
34 EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND WHETHER SUCH DRUG DEALER
35 RESIDES IN OR WILL RESIDE IN A FACILITY OWNED OR OPERATED BY SUCH INSTI-
36 TUTION.

37 (E) ANY OTHER INFORMATION DEEMED PERTINENT BY THE DIVISION.

38 2. (A) THE DIVISION IS AUTHORIZED TO MAKE THE REGISTRY AVAILABLE TO
39 ANY REGIONAL OR NATIONAL REGISTRY OF DRUG DEALERS FOR THE PURPOSE OF
40 SHARING INFORMATION. THE DIVISION SHALL ACCEPT FILES FROM ANY REGIONAL
41 OR NATIONAL REGISTRY OF DRUG DEALERS AND SHALL MAKE SUCH FILES AVAILABLE
42 WHEN REQUESTED PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

43 (B) THE DIVISION SHALL REQUIRE THAT NO INFORMATION INCLUDED IN THE
44 REGISTRY SHALL BE MADE AVAILABLE EXCEPT IN THE FURTHERANCE OF THE
45 PROVISIONS OF THIS ARTICLE.

46 3. THE DIVISION SHALL DEVELOP A STANDARDIZED REGISTRATION FORM TO BE
47 MADE AVAILABLE TO THE APPROPRIATE AUTHORITIES AND PROMULGATE RULES AND
48 REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION. SUCH FORM
49 SHALL BE WRITTEN IN CLEAR AND CONCISE LANGUAGE AND SHALL ADVISE THE DRUG
50 DEALER OF HIS OR HER DUTIES AND OBLIGATIONS UNDER THIS ARTICLE.

51 4. THE DIVISION SHALL MAIL A NONFORWARDABLE VERIFICATION FORM TO THE
52 LAST REPORTED ADDRESS OF THE PERSON FOR ANNUAL VERIFICATION REQUIRE-
53 MENTS.

54 5. THE DIVISION SHALL ALSO ESTABLISH AND OPERATE A TELEPHONE NUMBER AS
55 PROVIDED FOR IN SECTION ONE HUNDRED SIXTY-SEVEN-L OF THIS ARTICLE.

1 6. THE DIVISION SHALL ALSO ESTABLISH A DIRECTORY PURSUANT TO SECTION
2 ONE HUNDRED SIXTY-SEVEN-M OF THIS ARTICLE.

3 7. THE DIVISION SHALL ALSO ESTABLISH A PUBLIC AWARENESS CAMPAIGN TO
4 ADVISE THE PUBLIC OF THE PROVISIONS OF THIS ARTICLE.

5 8. THE DIVISION SHALL CHARGE A FEE OF TEN DOLLARS EACH TIME A DRUG
6 DEALER REGISTERS ANY CHANGE OF ADDRESS OR ANY CHANGE OF HIS OR HER
7 STATUS OF ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTI-
8 TUTION OF HIGHER EDUCATION AS REQUIRED BY SUBDIVISION THREE OF SECTION
9 ONE HUNDRED SIXTY-SEVEN-F OF THIS ARTICLE. THE FEE SHALL BE PAID TO THE
10 DIVISION BY THE DRUG DEALER. THE STATE COMPTROLLER IS HEREBY AUTHORIZED
11 TO DEPOSIT SUCH FEES INTO THE GENERAL FUND.

12 S 167-C. DRUG DEALER; RELOCATION; NOTIFICATION. 1. IN THE CASE OF ANY
13 DRUG DEALER, IT SHALL BE THE DUTY OF THE DEPARTMENT OR LOCAL CORRECTION-
14 AL FACILITY AT LEAST TEN CALENDAR DAYS PRIOR TO THE RELEASE OR DISCHARGE
15 OF ANY DRUG DEALER FROM A CORRECTIONAL FACILITY OR LOCAL CORRECTIONAL
16 FACILITY TO NOTIFY THE DIVISION OF THE CONTEMPLATED RELEASE OR DISCHARGE
17 OF SUCH DRUG DEALER, INFORMING THE DIVISION IN WRITING ON A FORM
18 PROVIDED BY THE DIVISION INDICATING THE ADDRESS AT WHICH HE OR SHE
19 PROPOSES TO RESIDE AND THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER
20 EDUCATION AT WHICH HE OR SHE EXPECTS TO BE ENROLLED, ATTENDING OR
21 EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND WHETHER HE OR SHE RESIDES
22 IN OR WILL RESIDE IN A FACILITY OWNED OR OPERATED BY SUCH INSTITUTION.
23 IF SUCH DRUG DEALER CHANGES HIS OR HER PLACE OF RESIDENCE WHILE ON
24 PAROLE, SUCH NOTIFICATION OF THE CHANGE OF RESIDENCE SHALL BE SENT BY
25 THE DRUG DEALER'S PAROLE OFFICER WITHIN FORTY-EIGHT HOURS TO THE DIVI-
26 SION ON A FORM PROVIDED BY THE DIVISION. IF SUCH DRUG DEALER CHANGES
27 THE STATUS OF HIS OR HER ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE
28 AT ANY INSTITUTION OF HIGHER EDUCATION WHILE ON PAROLE, SUCH NOTIFICA-
29 TION OF THE CHANGE OF STATUS SHALL BE SENT BY THE DRUG DEALER'S PAROLE
30 OFFICER WITHIN FORTY-EIGHT HOURS TO THE DIVISION ON A FORM PROVIDED BY
31 THE DIVISION.

32 2. IN THE CASE OF ANY DRUG DEALER ON PROBATION, IT SHALL BE THE DUTY
33 OF THE DRUG DEALER'S PROBATION OFFICER TO NOTIFY THE DIVISION WITHIN
34 FORTY-EIGHT HOURS OF THE NEW PLACE OF RESIDENCE ON A FORM PROVIDED BY
35 THE DIVISION. IF SUCH DRUG DEALER CHANGES THE STATUS OF HIS OR HER
36 ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF
37 HIGHER EDUCATION WHILE ON PROBATION, SUCH NOTIFICATION OF THE CHANGE OF
38 STATUS SHALL BE SENT BY THE DRUG DEALER'S PROBATION OFFICER WITHIN
39 FORTY-EIGHT HOURS TO THE DIVISION ON A FORM PROVIDED BY THE DIVISION.

40 3. IN THE CASE IN WHICH ANY DRUG DEALER ESCAPES FROM A STATE OR LOCAL
41 CORRECTIONAL FACILITY, THE DESIGNATED OFFICIAL OF THE FACILITY WHERE THE
42 DRUG DEALER WAS CONFINED SHALL NOTIFY WITHIN TWENTY-FOUR HOURS THE LAW
43 ENFORCEMENT AGENCY HAVING HAD JURISDICTION AT THE TIME OF HIS OR HER
44 CONVICTION, INFORMING SUCH LAW ENFORCEMENT AGENCY OF THE NAME AND ALIAS-
45 ES OF THE DRUG DEALER, AND THE ADDRESS AT WHICH HE OR SHE RESIDED AT THE
46 TIME OF HIS OR HER CONVICTION, THE AMOUNT OF TIME REMAINING TO BE
47 SERVED, IF ANY, ON THE FULL TERM FOR WHICH HE OR SHE WAS SENTENCED, AND
48 THE NATURE OF THE CRIME FOR WHICH HE OR SHE WAS SENTENCED, TRANSMITTING
49 AT THE SAME TIME A COPY OF SUCH DRUG DEALER'S FINGERPRINTS AND PHOTO-
50 GRAPH AND A SUMMARY OF HIS OR HER CRIMINAL RECORD.

51 4. THE DIVISION SHALL PROVIDE GENERAL INFORMATION, IN REGISTRATION
52 MATERIALS AND ANNUAL CORRESPONDENCE, TO REGISTRANTS CONCERNING NOTIFICA-
53 TION AND REGISTRATION PROCEDURES THAT MAY APPLY IF THE REGISTRANT IS
54 AUTHORIZED TO RELOCATE AND RELOCATES TO ANOTHER STATE OR UNITED STATES
55 POSSESSION, OR COMMENCES EMPLOYMENT OR ATTENDANCE AT AN EDUCATIONAL
56 INSTITUTION IN ANOTHER STATE OR UNITED STATES POSSESSION. SUCH INFORMA-

1 TION SHALL INCLUDE ADDRESSES AND TELEPHONE NUMBERS FOR RELEVANT AGENCIES
2 FROM WHICH ADDITIONAL INFORMATION MAY BE OBTAINED.

3 S 167-D. DUTIES OF THE COURT. 1. (A) EXCEPT AS PROVIDED IN PARAGRAPHS
4 (B) AND (C) OF THIS SUBDIVISION, UPON CONVICTION OF ANY OF THE OFFENSES
5 SET FORTH IN SUBDIVISION TWO OF SECTION ONE HUNDRED SIXTY-SEVEN-A OF
6 THIS ARTICLE THE COURT SHALL CERTIFY THAT THE PERSON IS A DRUG DEALER
7 AND SHALL INCLUDE THE CERTIFICATION IN THE JUDGMENT OF CONVICTION. THE
8 COURT SHALL ALSO ADVISE THE DRUG DEALER OF HIS OR HER DUTIES UNDER THIS
9 ARTICLE. FAILURE TO INCLUDE THE CERTIFICATION IN THE JUDGMENT OF
10 CONVICTION SHALL NOT RELIEVE A DRUG DEALER OF THE OBLIGATIONS IMPOSED BY
11 THIS ARTICLE.

12 (B) WHERE A DEFENDANT STANDS CONVICTED OF AN OFFENSE DEFINED IN PARA-
13 GRAPH (B) OF SUBDIVISION TWO OF SECTION ONE HUNDRED SIXTY-SEVEN-A OF
14 THIS ARTICLE AND THE DEFENDANT CONTROVERTS AN ALLEGATION THAT THE VICTIM
15 OF SUCH OFFENSE WAS LESS THAN EIGHTEEN YEARS OF AGE, THE COURT, WITHOUT
16 A JURY, SHALL, PRIOR TO SENTENCING, CONDUCT A HEARING, AND THE PEOPLE
17 MAY PROVE BY CLEAR AND CONVINCING EVIDENCE THAT THE VICTIM WAS LESS THAN
18 EIGHTEEN YEARS OF AGE BY ANY EVIDENCE ADMISSIBLE UNDER THE RULES APPLI-
19 CABLE TO A TRIAL OF THE ISSUE OF GUILT. THE COURT IN ADDITION TO SUCH
20 ADMISSIBLE EVIDENCE MAY ALSO CONSIDER RELIABLE HEARSAY EVIDENCE SUBMIT-
21 TED BY EITHER PARTY PROVIDED THAT IT IS RELEVANT TO THE DETERMINATION OF
22 THE AGE OF THE VICTIM. FACTS CONCERNING THE AGE OF THE VICTIM PROVEN AT
23 TRIAL OR ASCERTAINED AT THE TIME OF ENTRY OF A PLEA OF GUILTY SHALL BE
24 DEEMED ESTABLISHED BY CLEAR AND CONVINCING EVIDENCE AND SHALL NOT BE
25 RELITIGATED. AT THE CONCLUSION OF THE HEARING, OR IF THE DEFENDANT DOES
26 NOT CONTROVERT AN ALLEGATION THAT THE VICTIM OF THE OFFENSE WAS LESS
27 THAN EIGHTEEN YEARS OF AGE, THE COURT MUST MAKE A FINDING AND ENTER AN
28 ORDER SETTING FORTH THE AGE OF THE VICTIM. IF THE COURT FINDS THAT THE
29 VICTIM OF SUCH OFFENSE WAS UNDER EIGHTEEN YEARS OF AGE, THE COURT SHALL
30 CERTIFY THE DEFENDANT AS A DRUG DEALER, THE PROVISIONS OF PARAGRAPH (A)
31 OF THIS SUBDIVISION SHALL APPLY AND THE DEFENDANT SHALL REGISTER WITH
32 THE DIVISION IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

33 (C) WHERE A DEFENDANT STANDS CONVICTED OF AN OFFENSE DEFINED IN PARA-
34 GRAPH (C) OF SUBDIVISION TWO OF SECTION ONE HUNDRED SIXTY-SEVEN-A OF
35 THIS ARTICLE AND THE DEFENDANT CONTROVERTS AN ALLEGATION THAT THE
36 DEFENDANT WAS PREVIOUSLY CONVICTED OF A DRUG DEALER OFFENSE DEFINED IN
37 THIS ARTICLE, OR ANY OF THE PROVISIONS OF SECTION 220.31 OR 220.34 OF
38 THE PENAL LAW, OR AN ATTEMPT THEREOF, THE COURT, WITHOUT A JURY, SHALL,
39 PRIOR TO SENTENCING, CONDUCT A HEARING, AND THE PEOPLE MAY PROVE BY
40 CLEAR AND CONVINCING EVIDENCE THAT THE DEFENDANT WAS PREVIOUSLY
41 CONVICTED OF A DRUG DEALER OFFENSE DEFINED IN THIS ARTICLE, OR ANY OF
42 THE PROVISIONS OF SECTION 220.31 OR 220.34 OF THE PENAL LAW, OR AN
43 ATTEMPT THEREOF, BY ANY EVIDENCE ADMISSIBLE UNDER THE RULES APPLICABLE
44 TO A TRIAL OF THE ISSUE OF GUILT. THE COURT IN ADDITION TO SUCH ADMISSI-
45 BLE EVIDENCE MAY ALSO CONSIDER RELIABLE HEARSAY EVIDENCE SUBMITTED BY
46 EITHER PARTY PROVIDED THAT IT IS RELEVANT TO THE DETERMINATION OF WHETH-
47 ER THE DEFENDANT WAS PREVIOUSLY CONVICTED OF A DRUG DEALER OFFENSE
48 DEFINED IN THIS ARTICLE, OR ANY OF THE PROVISIONS OF SECTION 220.31 OR
49 220.34 OF THE PENAL LAW, OR AN ATTEMPT THEREOF. AT THE CONCLUSION OF THE
50 HEARING, OR IF THE DEFENDANT DOES NOT CONTROVERT AN ALLEGATION THAT THE
51 DEFENDANT WAS PREVIOUSLY CONVICTED OF A DRUG DEALER OFFENSE DEFINED IN
52 THIS ARTICLE, OR ANY OF THE PROVISIONS OF SECTION 220.31 OR 220.34 OF
53 THE PENAL LAW, OR AN ATTEMPT THEREOF, THE COURT MUST MAKE A FINDING AND
54 ENTER AN ORDER DETERMINING WHETHER THE DEFENDANT WAS PREVIOUSLY
55 CONVICTED OF A DRUG DEALER OFFENSE DEFINED IN THIS ARTICLE, OR ANY OF
56 THE PROVISIONS OF SECTION 220.31 OR 220.34 OF THE PENAL LAW, OR AN

1 ATTEMPT THEREOF. IF THE COURT FINDS THAT THE DEFENDANT HAS SUCH A PREVI-
2 OUS CONVICTION, THE COURT SHALL CERTIFY THE DEFENDANT AS A DRUG DEALER,
3 THE PROVISIONS OF PARAGRAPH (A) OF THIS SUBDIVISION SHALL APPLY AND THE
4 DEFENDANT SHALL REGISTER WITH THE DIVISION IN ACCORDANCE WITH THE
5 PROVISIONS OF THIS ARTICLE.

6 2. ANY DRUG DEALER, WHO IS RELEASED ON PROBATION OR DISCHARGED UPON
7 PAYMENT OF A FINE, CONDITIONAL DISCHARGE OR UNCONDITIONAL DISCHARGE
8 SHALL, PRIOR TO SUCH RELEASE OR DISCHARGE, BE INFORMED OF HIS OR HER
9 DUTY TO REGISTER UNDER THIS ARTICLE BY THE COURT IN WHICH HE OR SHE WAS
10 CONVICTED. AT THE TIME SENTENCE IS IMPOSED, SUCH DRUG DEALER SHALL
11 REGISTER WITH THE DIVISION ON A FORM PREPARED BY THE DIVISION. THE COURT
12 SHALL REQUIRE THE DRUG DEALER TO READ AND SIGN SUCH FORM AND TO COMPLETE
13 THE REGISTRATION PORTION OF SUCH FORM. THE COURT SHALL ON SUCH FORM
14 OBTAIN THE ADDRESS WHERE THE DRUG DEALER EXPECTS TO RESIDE UPON HIS OR
15 HER RELEASE, AND THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER
16 EDUCATION HE OR SHE EXPECTS TO BE EMPLOYED BY, ENROLLED IN, ATTENDING OR
17 EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND WHETHER HE OR SHE EXPECTS
18 TO RESIDE IN A FACILITY OWNED OR OPERATED BY SUCH AN INSTITUTION, AND
19 SHALL REPORT SUCH INFORMATION TO THE DIVISION. THE COURT SHALL GIVE ONE
20 COPY OF THE FORM TO THE DRUG DEALER AND SHALL SEND TWO COPIES TO THE
21 DIVISION WHICH SHALL FORWARD THE INFORMATION TO THE LAW ENFORCEMENT
22 AGENCIES HAVING JURISDICTION. WHERE THE COURT ORDERS A DRUG DEALER
23 RELEASED ON PROBATION, SUCH ORDER MUST INCLUDE A PROVISION REQUIRING
24 THAT HE OR SHE COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE. WHERE SUCH
25 DRUG DEALER VIOLATES SUCH PROVISION, PROBATION MAY BE IMMEDIATELY
26 REVOKED IN THE MANNER PROVIDED BY ARTICLE FOUR HUNDRED TEN OF THE CRIMI-
27 NAL PROCEDURE LAW.

28 S 167-E. DISCHARGE OF DRUG DEALER FROM CORRECTIONAL FACILITY; DUTIES
29 OF OFFICIAL IN CHARGE. 1. ANY DRUG DEALER, TO BE DISCHARGED, PAROLED,
30 RELEASED TO POST-RELEASE SUPERVISION OR RELEASED FROM ANY STATE OR LOCAL
31 CORRECTIONAL FACILITY, SHALL AT LEAST FIFTEEN CALENDAR DAYS PRIOR TO
32 DISCHARGE, PAROLE OR RELEASE, BE INFORMED OF HIS OR HER DUTY TO REGISTER
33 UNDER THIS ARTICLE, BY THE FACILITY IN WHICH HE OR SHE WAS CONFINED. THE
34 FACILITY SHALL REQUIRE THE DRUG DEALER TO READ AND SIGN SUCH FORM AS MAY
35 BE REQUIRED BY THE DIVISION STATING THE DUTY TO REGISTER AND THE PROCE-
36 DURE FOR REGISTRATION HAS BEEN EXPLAINED TO HIM OR HER AND TO COMPLETE
37 THE REGISTRATION PORTION OF SUCH FORM. THE FACILITY SHALL OBTAIN ON
38 SUCH FORM THE ADDRESS WHERE THE DRUG DEALER EXPECTS TO RESIDE UPON HIS
39 OR HER DISCHARGE, PAROLE OR RELEASE AND THE NAME AND ADDRESS OF ANY
40 INSTITUTION OF HIGHER EDUCATION HE OR SHE EXPECTS TO BE EMPLOYED BY,
41 ENROLLED IN, ATTENDING OR EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND
42 WHETHER HE OR SHE EXPECTS TO RESIDE IN A FACILITY OWNED OR OPERATED BY
43 SUCH AN INSTITUTION, AND SHALL REPORT SUCH INFORMATION TO THE DIVISION.
44 THE FACILITY SHALL GIVE ONE COPY OF THE FORM TO THE DRUG DEALER, RETAIN
45 ONE COPY AND SHALL SEND ONE COPY TO THE DIVISION WHICH SHALL PROVIDE THE
46 INFORMATION TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION. THE
47 FACILITY SHALL GIVE THE DRUG DEALER A FORM PREPARED BY THE DIVISION, TO
48 REGISTER WITH THE DIVISION AT LEAST FIFTEEN CALENDAR DAYS PRIOR TO
49 RELEASE AND SUCH FORM SHALL BE COMPLETED, SIGNED BY THE DRUG DEALER AND
50 SENT TO THE DIVISION BY THE FACILITY AT LEAST TEN DAYS PRIOR TO THE DRUG
51 DEALER'S RELEASE OR DISCHARGE.

52 2. THE DIVISION SHALL ALSO IMMEDIATELY TRANSMIT THE CONVICTION DATA
53 AND FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION IF NOT ALREADY
54 OBTAINED.

55 S 167-F. DUTY TO REGISTER AND TO VERIFY. 1. ANY DRUG DEALER SHALL (A)
56 AT LEAST TEN CALENDAR DAYS PRIOR TO DISCHARGE, PAROLE, RELEASE TO POST-

1 RELEASE SUPERVISION OR RELEASE FROM ANY STATE OR LOCAL CORRECTIONAL
2 FACILITY WHERE HE OR SHE WAS CONFINED, OR (B) AT THE TIME SENTENCE IS
3 IMPOSED FOR ANY DRUG DEALER RELEASED ON PROBATION OR DISCHARGED UPON
4 PAYMENT OF A FINE, CONDITIONAL DISCHARGE OR UNCONDITIONAL DISCHARGE,
5 REGISTER WITH THE DIVISION ON A FORM PREPARED BY THE DIVISION.

6 2. ANY DRUG DEALER REQUIRED TO REGISTER UNDER THIS ARTICLE SHALL ON OR
7 BEFORE EACH ANNIVERSARY OF THE DRUG DEALER'S INITIAL REGISTRATION DATE
8 DURING THE PERIOD IN WHICH HE IS REQUIRED TO REGISTER VERIFY THAT HE OR
9 SHE STILL RESIDES AT THE ADDRESS LAST REPORTED TO THE DIVISION.

10 3. ANY DRUG DEALER SHALL REGISTER WITH THE DIVISION NO LATER THAN TEN
11 CALENDAR DAYS AFTER ANY CHANGE OF ADDRESS OR ANY CHANGE OF HIS OR HER
12 STATUS OF ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTI-
13 TUTION OF HIGHER EDUCATION. A FEE OF TEN DOLLARS, AS AUTHORIZED BY
14 SUBDIVISION EIGHT OF SECTION ONE HUNDRED SIXTY-SEVEN-B OF THIS ARTICLE,
15 SHALL BE SUBMITTED BY THE DRUG DEALER EACH TIME SUCH DRUG DEALER REGIS-
16 TERS ANY CHANGE OF ADDRESS OR ANY CHANGE OF HIS OR HER STATUS OF ENROLL-
17 MENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF HIGHER
18 EDUCATION. ANY FAILURE OR OMISSION TO SUBMIT THE REQUIRED FEE SHALL NOT
19 AFFECT THE ACCEPTANCE BY THE DIVISION OF THE CHANGE OF ADDRESS OR CHANGE
20 OF STATUS.

21 4. THE DUTY TO REGISTER UNDER THE PROVISIONS OF THIS ARTICLE SHALL NOT
22 BE APPLICABLE TO ANY DRUG DEALER WHOSE CONVICTION WAS REVERSED UPON
23 APPEAL OR WHO WAS PARDONED BY THE GOVERNOR.

24 5. ANY NONRESIDENT WORKER OR NONRESIDENT STUDENT, AS DEFINED IN SUBDI-
25 VISIONS EIGHT AND NINE OF SECTION ONE HUNDRED SIXTY-SEVEN-A OF THIS
26 ARTICLE, SHALL REGISTER HIS OR HER CURRENT ADDRESS AND THE ADDRESS OF
27 HIS OR HER PLACE OF EMPLOYMENT OR EDUCATIONAL INSTITUTION ATTENDED WITH
28 THE DIVISION WITHIN TEN CALENDAR DAYS AFTER SUCH NONRESIDENT WORKER OR
29 NONRESIDENT STUDENT COMMENCES EMPLOYMENT OR ATTENDANCE AT AN EDUCATIONAL
30 INSTITUTION IN THE STATE. ANY NONRESIDENT WORKER OR NONRESIDENT STUDENT
31 SHALL NOTIFY THE DIVISION OF ANY CHANGE OF RESIDENCE, EMPLOYMENT OR
32 EDUCATIONAL INSTITUTION ADDRESS NO LATER THAN TEN DAYS AFTER SUCH
33 CHANGE. THE DIVISION SHALL NOTIFY THE LAW ENFORCEMENT AGENCY WHERE THE
34 NONRESIDENT WORKER IS EMPLOYED OR THE EDUCATIONAL INSTITUTION IS LOCATED
35 THAT A NONRESIDENT WORKER OR NONRESIDENT STUDENT IS PRESENT IN THAT
36 AGENCY'S JURISDICTION.

37 S 167-G. PRIOR CONVICTIONS; DUTY TO INFORM AND REGISTER. 1. EVERY
38 DRUG DEALER WHO ON THE EFFECTIVE DATE OF THIS ARTICLE IS THEN ON PAROLE
39 OR PROBATION FOR AN OFFENSE PROVIDED FOR IN SUBDIVISION TWO OF SECTION
40 ONE HUNDRED SIXTY-SEVEN-A OF THIS ARTICLE SHALL WITHIN THIRTY CALENDAR
41 DAYS OF SUCH EFFECTIVE DATE REGISTER WITH HIS OR HER PAROLE OR PROBATION
42 OFFICER. ANY DRUG DEALER WHO FAILS OR REFUSES TO SO COMPLY SHALL BE
43 SUBJECT TO THE SAME PENALTIES AS OTHERWISE PROVIDED FOR IN THIS ARTICLE
44 WHICH WOULD BE IMPOSED UPON A DRUG DEALER WHO FAILS OR REFUSES TO SO
45 COMPLY WITH THE PROVISIONS OF THIS ARTICLE ON OR AFTER SUCH EFFECTIVE
46 DATE.

47 2. IT SHALL BE THE DUTY OF THE PAROLE OR PROBATION OFFICER TO INFORM
48 AND REGISTER SUCH DRUG DEALER ACCORDING TO THE REQUIREMENTS IMPOSED BY
49 THIS ARTICLE. A PAROLE OR PROBATION OFFICER SHALL GIVE ONE COPY OF THE
50 FORM TO THE DRUG DEALER AND SHALL, WITHIN THREE CALENDAR DAYS, SEND TWO
51 COPIES ELECTRONICALLY OR OTHERWISE TO THE DIVISION WHICH SHALL FORWARD
52 ONE COPY ELECTRONICALLY OR OTHERWISE TO THE LAW ENFORCEMENT AGENCY
53 HAVING JURISDICTION WHERE THE DRUG DEALER RESIDES UPON HIS OR HER
54 PAROLE, PROBATION, OR UPON ANY FORM OF STATE OR LOCAL CONDITIONAL
55 RELEASE.

1 S 167-H. DURATION OF REGISTRATION AND VERIFICATION. 1. THE DURATION OF
2 REGISTRATION AND VERIFICATION FOR A DRUG DEALER SHALL BE FOR A PERIOD OF
3 FIVE YEARS FROM THE INITIAL DATE OF REGISTRATION.

4 2. THE DURATION OF REGISTRATION AND VERIFICATION FOR A DRUG DEALER
5 THAT HAS BEEN CONVICTED OF TWO OR MORE DRUG DEALER OFFENSES SHALL BE FOR
6 A PERIOD OF TEN YEARS FROM THE INITIAL DATE OF REGISTRATION.

7 S 167-I. REGISTRATION AND VERIFICATION REQUIREMENTS. REGISTRATION AND
8 VERIFICATION AS REQUIRED BY THIS ARTICLE SHALL CONSIST OF A STATEMENT IN
9 WRITING SIGNED BY THE DRUG DEALER GIVING THE INFORMATION THAT IS
10 REQUIRED BY THE DIVISION AND THE DIVISION SHALL ENTER THE INFORMATION
11 INTO AN APPROPRIATE ELECTRONIC DATA BASE OR FILE.

12 S 167-J. NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGE OF
13 ADDRESS. 1. UPON RECEIPT OF A CHANGE OF ADDRESS BY A DRUG DEALER
14 REQUIRED TO REGISTER UNDER THIS ARTICLE, THE DIVISION SHALL NOTIFY THE
15 LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION OF THE NEW PLACE OF
16 RESIDENCE AND THE LOCAL LAW ENFORCEMENT AGENCY WHERE THE DRUG DEALER
17 LAST RESIDED OF THE NEW PLACE OF RESIDENCE.

18 2. THE DIVISION SHALL, IF THE DRUG DEALER CHANGES RESIDENCE TO ANOTHER
19 STATE, NOTIFY THE APPROPRIATE AGENCY WITHIN THAT STATE OF THE NEW PLACE
20 OF RESIDENCE.

21 3. UPON RECEIPT OF A CHANGE IN THE STATUS OF THE ENROLLMENT, ATTEND-
22 ANCE, EMPLOYMENT OR RESIDENCE AT AN INSTITUTION OF HIGHER EDUCATION BY A
23 DRUG DEALER REQUIRED TO REGISTER UNDER THIS ARTICLE, THE DIVISION SHALL
24 NOTIFY EACH LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHICH IS AFFECTED
25 BY SUCH CHANGE.

26 S 167-K. REGISTRATION FOR CHANGE OF ADDRESS FROM ANOTHER STATE. 1. A
27 DRUG DEALER WHO HAS BEEN CONVICTED OF AN OFFENSE WHICH REQUIRES REGIS-
28 TRATION UNDER PARAGRAPH (D) OF SUBDIVISION TWO OF SECTION ONE HUNDRED
29 SIXTY-SEVEN-A OF THIS ARTICLE SHALL NOTIFY THE DIVISION OF THE NEW
30 ADDRESS NO LATER THAN TEN CALENDAR DAYS AFTER SUCH DRUG DEALER ESTAB-
31 LISHES RESIDENCE IN THIS STATE.

32 2. THE DIVISION SHALL UNDERTAKE AN INFORMATION CAMPAIGN DESIGNED TO
33 PROVIDE INFORMATION TO OFFICIALS AND APPROPRIATE INDIVIDUALS IN OTHER
34 STATES AND UNITED STATES POSSESSIONS CONCERNING THE NOTIFICATION PROCE-
35 DURES REQUIRED BY THIS ARTICLE. SUCH INFORMATION CAMPAIGN SHALL BE
36 ONGOING, AND SHALL INCLUDE, BUT NOT BE LIMITED TO, LETTERS, NOTICE FORMS
37 AND SIMILAR MATERIALS PROVIDING RELEVANT INFORMATION ABOUT THIS ARTICLE
38 AND THE SPECIFIC PROCEDURES REQUIRED TO EFFECT NOTIFICATION. SUCH MATE-
39 RIALS SHALL INCLUDE AN ADDRESS AND TELEPHONE NUMBER WHICH SUCH OFFICIALS
40 AND INDIVIDUALS IN OTHER STATES AND UNITED STATES POSSESSIONS MAY USE TO
41 OBTAIN ADDITIONAL INFORMATION.

42 S 167-L. SPECIAL TELEPHONE NUMBER. 1. PURSUANT TO SECTION ONE HUNDRED
43 SIXTY-SEVEN-B OF THIS ARTICLE, THE DIVISION SHALL OPERATE A TELEPHONE
44 NUMBER THAT MEMBERS OF THE PUBLIC MAY CALL FREE OF CHARGE AND INQUIRE
45 WHETHER A NAMED INDIVIDUAL REQUIRED TO REGISTER PURSUANT TO THIS ARTICLE
46 IS LISTED. THE DIVISION SHALL ASCERTAIN WHETHER A NAMED PERSON REASON-
47 ABLY APPEARS TO BE A PERSON SO LISTED AND PROVIDE THE CALLER WITH THE
48 RELEVANT INFORMATION. THE DIVISION SHALL DECIDE WHETHER THE NAMED PERSON
49 REASONABLY APPEARS TO BE A PERSON LISTED, BASED UPON INFORMATION FROM
50 THE CALLER PROVIDING INFORMATION THAT SHALL INCLUDE (A) AN EXACT STREET
51 ADDRESS, INCLUDING APARTMENT NUMBER, DRIVER'S LICENSE NUMBER OR BIRTH
52 DATE, ALONG WITH ADDITIONAL INFORMATION THAT MAY INCLUDE SOCIAL SECURITY
53 NUMBER, HAIR COLOR, EYE COLOR, HEIGHT, WEIGHT, DISTINCTIVE MARKINGS,
54 ETHNICITY; OR (B) ANY COMBINATION OF THE ABOVE LISTED CHARACTERISTICS IF
55 AN EXACT BIRTH DATE OR ADDRESS IS NOT AVAILABLE. IF THREE OF THE CHARAC-
56 TERISTICS PROVIDED INCLUDE ETHNICITY, HAIR COLOR, AND EYE COLOR, OTHER

1 IDENTIFYING CHARACTERISTICS SHALL BE PROVIDED. ANY INFORMATION IDENTIFY-
2 ING THE VICTIM BY NAME, BIRTH DATE, ADDRESS OR RELATION TO THE PERSON
3 LISTED BY THE DIVISION SHALL BE EXCLUDED BY THE DIVISION.

4 2. WHEN THE TELEPHONE NUMBER IS CALLED, A PREAMBLE SHALL BE PLAYED
5 WHICH SHALL PROVIDE THE FOLLOWING INFORMATION:

6 (A) NOTICE THAT THE CALLER'S TELEPHONE NUMBER WILL BE RECORDED;

7 (B) THAT THERE IS NO CHARGE FOR USE OF THE TELEPHONE NUMBER;

8 (C) NOTICE THAT THE CALLER IS REQUIRED TO IDENTIFY HIMSELF OR HERSELF
9 TO THE OPERATOR AND PROVIDE A CURRENT ADDRESS AND THAT THE CALL SHALL BE
10 MAINTAINED IN A WRITTEN RECORD;

11 (D) NOTICE THAT THE CALLER IS REQUIRED TO BE EIGHTEEN YEARS OF AGE OR
12 OLDER;

13 (E) A WARNING THAT IT IS ILLEGAL TO USE INFORMATION OBTAINED THROUGH
14 THE TELEPHONE NUMBER TO COMMIT A CRIME AGAINST ANY PERSON LISTED OR TO
15 ENGAGE IN ILLEGAL DISCRIMINATION OR HARASSMENT AGAINST SUCH PERSON;

16 (F) NOTICE THAT THE CALLER IS REQUIRED TO HAVE THE BIRTH DATE, DRIV-
17 ER'S LICENSE OR IDENTIFICATION NUMBER, OR ADDRESS OR OTHER IDENTIFYING
18 INFORMATION REGARDING THE PERSON ABOUT WHOM INFORMATION IS SOUGHT IN
19 ORDER TO ACHIEVE A POSITIVE IDENTIFICATION OF THAT PERSON;

20 (G) A STATEMENT THAT THE NUMBER IS NOT A CRIME HOTLINE AND THAT ANY
21 SUSPECTED CRIMINAL ACTIVITY SHOULD BE REPORTED TO LOCAL AUTHORITIES.

22 3. WHENEVER THERE IS REASONABLE CAUSE TO BELIEVE THAT ANY PERSON OR
23 GROUP OF PERSONS IS ENGAGED IN A PATTERN OR PRACTICE OF MISUSE OF THE
24 TELEPHONE NUMBER, THE ATTORNEY GENERAL, ANY DISTRICT ATTORNEY OR ANY
25 PERSON AGGRIEVED BY THE MISUSE OF THE NUMBER IS AUTHORIZED TO BRING A
26 CIVIL ACTION IN THE APPROPRIATE COURT REQUESTING PREVENTIVE RELIEF,
27 INCLUDING AN APPLICATION FOR A PERMANENT OR TEMPORARY INJUNCTION,
28 RESTRAINING ORDER OR OTHER ORDER AGAINST THE PERSON OR GROUP OF PERSONS
29 RESPONSIBLE FOR THE PATTERN OR PRACTICE OF MISUSE. THE FOREGOING REME-
30 DIES SHALL BE INDEPENDENT OF ANY OTHER REMEDIES OR PROCEDURES THAT MAY
31 BE AVAILABLE TO AN AGGRIEVED PARTY UNDER OTHER PROVISIONS OF LAW. SUCH
32 PERSON OR GROUP OF PERSONS SHALL BE SUBJECT TO A FINE OF NOT LESS THAN
33 FIVE HUNDRED DOLLARS AND NOT MORE THAN ONE THOUSAND DOLLARS.

34 4. THE DIVISION SHALL SUBMIT TO THE LEGISLATURE AN ANNUAL REPORT ON
35 THE OPERATION OF THE TELEPHONE NUMBER. THE ANNUAL REPORT SHALL INCLUDE,
36 BUT NOT BE LIMITED TO, ALL OF THE FOLLOWING:

37 (A) NUMBER OF CALLS RECEIVED;

38 (B) A DETAILED OUTLINE OF THE AMOUNT OF MONEY EXPENDED AND THE MANNER
39 IN WHICH IT WAS EXPENDED FOR PURPOSES OF THIS SECTION;

40 (C) NUMBER OF CALLS THAT RESULTED IN AN AFFIRMATIVE RESPONSE AND THE
41 NUMBER OF CALLS THAT RESULTED IN A NEGATIVE RESPONSE WITH REGARD TO
42 WHETHER A NAMED INDIVIDUAL WAS LISTED;

43 (D) NUMBER OF PERSONS LISTED; AND

44 (E) A SUMMARY OF THE SUCCESS OF THE TELEPHONE NUMBER PROGRAM BASED
45 UPON SELECTED FACTORS.

46 S 167-M. DIRECTORY; INTERNET POSTING. 1. THE DIVISION SHALL MAINTAIN A
47 DIRECTORY OF DRUG DEALERS. THE DIRECTORY SHALL INCLUDE THE ADDRESS,
48 ADDRESS OF THE OFFENDER'S PLACE OF EMPLOYMENT AND PHOTOGRAPH OF THE DRUG
49 DEALER ALONG WITH THE FOLLOWING INFORMATION, IF AVAILABLE: NAME, PHYS-
50 ICAL DESCRIPTION, AGE AND DISTINCTIVE MARKINGS. THE DIRECTORY SHALL HAVE
51 DRUG DEALER LISTINGS CATEGORIZED BY COUNTY AND ZIP CODE. A COPY OF THE
52 DIRECTORY SHALL ANNUALLY BE DISTRIBUTED TO THE OFFICES OF LOCAL,
53 VILLAGE, TOWN, CITY, COUNTY OR STATE LAW ENFORCEMENT AGENCIES FOR
54 PURPOSES OF PUBLIC ACCESS. THE DIVISION SHALL DISTRIBUTE MONTHLY UPDATES
55 TO THE OFFICES OF LOCAL, VILLAGE, TOWN, CITY, COUNTY OR STATE LAW
56 ENFORCEMENT AGENCIES FOR PURPOSES OF PUBLIC ACCESS. SUCH DEPARTMENTS

1 SHALL REQUIRE THAT A PERSON IN WRITING PROVIDE THEIR NAME AND ADDRESS
2 PRIOR TO VIEWING THE DIRECTORY. THE DIRECTORY PROVIDED FOR IN THIS
3 SECTION SHALL BE UPDATED MONTHLY TO MAINTAIN ITS EFFICIENCY AND USEFUL-
4 NESS AND SHALL BE COMPUTER ACCESSIBLE. SUCH DIRECTORY SHALL BE MADE
5 AVAILABLE AT ALL TIMES ON THE INTERNET VIA THE DIVISION HOMEPAGE.

6 2. ANY PERSON WHO USES INFORMATION DISCLOSED PURSUANT TO THIS SECTION
7 IN VIOLATION OF THE LAW SHALL IN ADDITION TO ANY OTHER PENALTY OR FINE
8 IMPOSED, BE SUBJECT TO A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS AND
9 NOT MORE THAN ONE THOUSAND DOLLARS. UNAUTHORIZED REMOVAL OR DUPLICATION
10 OF THE DIRECTORY FROM THE OFFICES OF A LOCAL, VILLAGE OR CITY POLICE
11 DEPARTMENT SHALL BE PUNISHABLE BY A FINE NOT TO EXCEED ONE THOUSAND
12 DOLLARS. IN ADDITION, THE ATTORNEY GENERAL, ANY DISTRICT ATTORNEY, OR
13 ANY PERSON AGGRIEVED IS AUTHORIZED TO BRING A CIVIL ACTION IN THE APPRO-
14 PRIATE COURT REQUESTING PREVENTIVE RELIEF, INCLUDING AN APPLICATION FOR
15 A PERMANENT OR TEMPORARY INJUNCTION, RESTRAINING ORDER, OR OTHER ORDER
16 AGAINST THE PERSON OR GROUP OF PERSONS RESPONSIBLE FOR SUCH ACTION. THE
17 FOREGOING REMEDIES SHALL BE INDEPENDENT OF ANY OTHER REMEDIES OR PROCE-
18 DURES THAT MAY BE AVAILABLE TO AN AGGRIEVED PARTY UNDER OTHER PROVISIONS
19 OF LAW.

20 S 167-N. IMMUNITY FROM LIABILITY. 1. NO OFFICIAL, EMPLOYEE OR AGENCY,
21 WHETHER PUBLIC OR PRIVATE, SHALL BE SUBJECT TO ANY CIVIL OR CRIMINAL
22 LIABILITY FOR DAMAGES FOR ANY DISCRETIONARY DECISION TO RELEASE RELEVANT
23 AND NECESSARY INFORMATION PURSUANT TO THIS ARTICLE, UNLESS IT IS SHOWN
24 THAT SUCH OFFICIAL, EMPLOYEE OR AGENCY ACTED WITH GROSS NEGLIGENCE OR IN
25 BAD FAITH. THE IMMUNITY PROVIDED UNDER THIS SECTION APPLIES TO THE
26 RELEASE OF RELEVANT INFORMATION TO OTHER EMPLOYEES OR OFFICIALS OR TO
27 THE GENERAL PUBLIC.

28 2. NOTHING IN THIS SECTION SHALL BE DEEMED TO IMPOSE ANY CIVIL OR
29 CRIMINAL LIABILITY UPON OR TO GIVE RISE TO A CAUSE OF ACTION AGAINST ANY
30 OFFICIAL, EMPLOYEE OR AGENCY, WHETHER PUBLIC OR PRIVATE, FOR FAILING TO
31 RELEASE INFORMATION AS AUTHORIZED IN THIS SECTION UNLESS IT IS SHOWN
32 THAT SUCH OFFICIAL, EMPLOYEE OR AGENCY ACTED WITH GROSS NEGLIGENCE OR IN
33 BAD FAITH.

34 S 167-O. ANNUAL REPORT. THE DIVISION SHALL ON OR BEFORE AUGUST FIRST
35 IN EACH YEAR FILE A REPORT WITH THE GOVERNOR AND THE LEGISLATURE DETAIL-
36 ING THE PROGRAM, COMPLIANCE WITH PROVISIONS OF THIS ARTICLE AND EFFEC-
37 TIVENESS OF THE PROVISIONS OF THIS ARTICLE, TOGETHER WITH ANY RECOMMEN-
38 DATIONS TO FURTHER ENHANCE THE INTENT OF THIS ARTICLE.

39 S 167-P. PENALTY. ANY DRUG DEALER REQUIRED TO REGISTER OR TO VERIFY
40 PURSUANT TO THE PROVISIONS OF THIS ARTICLE WHO FAILS TO REGISTER OR
41 VERIFY IN THE MANNER AND WITHIN THE TIME PERIODS PROVIDED FOR IN THIS
42 ARTICLE SHALL BE GUILTY OF A CLASS A MISDEMEANOR UPON CONVICTION FOR THE
43 FIRST OFFENSE, AND UPON CONVICTION FOR A SECOND OR SUBSEQUENT OFFENSE
44 SHALL BE GUILTY OF A CLASS D FELONY. ANY SUCH FAILURE TO REGISTER OR
45 VERIFY MAY ALSO BE THE BASIS FOR REVOCATION OF PAROLE PURSUANT TO
46 SECTION TWO HUNDRED FIFTY-NINE-I OF THE EXECUTIVE LAW OR THE BASIS FOR
47 REVOCATION OF PROBATION PURSUANT TO ARTICLE FOUR HUNDRED TEN OF THE
48 CRIMINAL PROCEDURE LAW.

49 S 167-Q. UNAUTHORIZED RELEASE OF INFORMATION. THE UNAUTHORIZED RELEASE
50 OF ANY INFORMATION REQUIRED BY THIS ARTICLE SHALL BE A CLASS B MISDEMEA-
51 NOR.

52 S 167-R. SEPARABILITY. IF ANY SECTION OF THIS ARTICLE, OR PART THEREOF
53 SHALL BE ADJUDGED BY A COURT OF COMPETENT JURISDICTION TO BE INVALID,
54 SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER OR
55 ANY OTHER SECTION OR PART THEREOF.

1 S 2. This act shall take effect on the one hundred eightieth day after
2 it shall have become a law, provided, however, that effective immediate-
3 ly, the addition, amendment and/or repeal of any rule or regulation
4 necessary for the implementation of this act on its effective date is
5 authorized to be made and completed on or before such date.