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

406

2009-2010 Regular Sessions

I N  S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. ROBACH -- 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 level three designation for certain sex offenders

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

Section 1. The opening paragraph of paragraph (c) of subdivision 6 of section 168-l of the correction law, as separately amended by chapters 318 and 680 of the laws of 2005, is amended to read as follows:

If the risk of repeat offense is high and there exists a threat to the public safety a level three designation shall be given to such sex offender. IF THE SEX OFFENDER HAS A CONVICTION OF OR A CONVICTION FOR AN ATTEMPT TO COMMIT AN OFFENSE CONTAINED IN ARTICLE ONE HUNDRED THIRTY OR TWO HUNDRED SIXTY-THREE OR SECTION 135.25, 230.06, 230.32, 255.25, 255.26 OR 255.27 OF THE PENAL LAW AND WHERE THE VICTIM OF THE RELATED OFFENSE IS LESS THAN ELEVEN YEARS OLD A LEVEL THREE DESIGNATION SHALL BE GIVEN TO SUCH SEX OFFENDER. In [such] EITHER case, the law enforcement agency or agencies having jurisdiction and the law enforcement agency or agencies having had jurisdiction at the time of his or her conviction shall be notified and may disseminate relevant information which shall include a photograph and description of the offender and which may include the sex offender's exact name and any aliases used by the offender, exact address, address of the offender's place of employment, background information including the offender's crime of conviction, mode of operation, type of victim targeted, the name and address of any institution of higher education at which the sex offender is enrolled, attends, is employed or resides and the description of special conditions imposed on the offender to any entity with vulnerable populations related to the nature of the offense committed by such sex offender. Any entity receiv-

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

LBD03500-01-9

ing information on a sex offender may disclose or further disseminate such information at its discretion. In addition[, in such case,] the information described [herein] IN THIS PARAGRAPH shall also be provided in the subdirectory established in this article and notwithstanding any other provision of law, such information shall, upon request, be made available to the public.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.