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

4269

2009-2010 Regular Sessions

I N S E N A T E

April 20, 2009

Introduced by Sen. FOLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to regulation of youth sports organizations

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

Section 1. The public health law is amended by adding a new article 13-C to read as follows:

ARTICLE 13-C
REGULATION OF YOUTH SPORTS ORGANIZATIONS

SECTION 1397-A. DECLARATION OF PUBLIC POLICY.
1397-B. DEFINITIONS.
1397-C. STATEWIDE SEX OFFENDER REGISTRY INQUIRY.
1397-D. VOLUNTEERS SCREENED.
1397-E. NOTICE OF INQUIRY TO VOLUNTEERS.
1397-F. DISQUALIFICATION OF VOLUNTEERS.
1397-G. USE AND DISSEMINATION OF INFORMATION.
1397-H. VIOLATIONS; PENALTIES.

S 1397-A. DECLARATION OF PUBLIC POLICY. IT IS THE DECLARED POLICY OF THE STATE OF NEW YORK TO PROTECT THE HEALTH, SAFETY AND WELFARE OF CHILDREN ATTENDING YOUTH SPORTS ORGANIZATIONS.

S 1397-B. DEFINITIONS. 1. "YOUTH SPORTS ORGANIZATION" MEANS ANY PUBLIC OR PRIVATE AGENCY, ORGANIZATION, ASSOCIATION OR GROUP ORGANIZED AND FUNCTIONING, IN WHOLE OR IN PART, FOR THE PURPOSE OF PROVIDING YOUTH WITH THE OPPORTUNITY TO PARTICIPATE IN SUPERVISED SPORTING ACTIVITIES. AS USED HEREIN, "YOUTH SPORTS ORGANIZATION" SHALL INCLUDE ONLY THOSE ORGANIZATIONS THAT USE VOLUNTEERS TO SUPERVISE YOUTH AND EXCLUDE INSTITUTIONS WHICH ARE SANCTIONED BY THE EDUCATION DEPARTMENT TO PROVIDE EDUCATIONAL INSTRUCTION TO YOUTH.

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

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2. "YOUTH" MEANS A PERSON UNDER THE AGE OF EIGHTEEN.

S 1397-C. STATEWIDE SEX OFFENDER REGISTRY INQUIRY. BEFORE ANY PERSON IS PERMITTED TO VOLUNTEER HIS OR HER SERVICES WITH A YOUTH SPORTS ORGANIZATION WHERE SUCH PERSON IS EXPECTED TO HAVE DIRECT CONTACT WITH YOUTH, SUCH YOUTH SPORTS ORGANIZATIONS MUST, MAKE AN INQUIRY OF THE STATEWIDE SEX OFFENDER REGISTRY OPERATED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES, BY UTILIZING SUCH PROCEDURE AS SET FORTH IN SECTION ONE HUNDRED SIXTY-EIGHT-P OF THE CORRECTION LAW, TO DETERMINE WHETHER THE PROSPECTIVE VOLUNTEER IS LISTED IN THE REGISTRY AS A PERSON WHO MUST REGISTER AS A SEX OFFENDER OR A SEXUALLY VIOLENT PREDATOR UNDER ARTICLE SIX-C OF THE CORRECTION LAW.

S 1397-D. VOLUNTEERS SCREENED. NO LATER THAN JANUARY FIRST, TWO THOUSAND TEN, YOUTH SPORTS ORGANIZATIONS SHALL CAUSE TO BE CONDUCTED THE STATEWIDE SEX OFFENDER REGISTRY INQUIRY DESCRIBED IN SECTION THIRTEEN HUNDRED NINETY-SEVEN-C OF THIS ARTICLE FOR ALL ACTIVE VOLUNTEERS OF SUCH ORGANIZATION WHERE SUCH VOLUNTEER HAS DIRECT CONTACT WITH YOUTH.

S 1397-E. NOTICE OF INQUIRY TO VOLUNTEERS. A YOUTH SPORTS ORGANIZATION, PRIOR TO INITIATING THE STATEWIDE SEX OFFENDER REGISTRY INQUIRY DESCRIBED IN SECTIONS THIRTEEN HUNDRED NINETY-SEVEN-C AND THIRTEEN HUNDRED NINETY-SEVEN-D OF THIS ARTICLE, SHALL INFORM THE VOLUNTEER OR PERSON SEEKING TO VOLUNTEER HIS OR HER SERVICES THAT SUCH INQUIRY WILL BE PERFORMED.

S 1397-F. DISQUALIFICATION OF VOLUNTEERS. A YOUTH SPORTS ORGANIZATION IS PROHIBITED FROM PERMITTING ANY PERSON DETERMINED TO BE LISTED IN THE STATEWIDE SEX OFFENDER REGISTRY PURSUANT TO SECTIONS THIRTEEN HUNDRED NINETY-SEVEN-C AND THIRTEEN HUNDRED NINETY-SEVEN-D OF THIS ARTICLE TO VOLUNTEER HIS OR HER SERVICES WITH SUCH ORGANIZATION WHERE SUCH PERSON HAS OR IS EXPECTED TO HAVE DIRECT CONTACT WITH YOUTH.

S 1397-G. USE AND DISSEMINATION OF INFORMATION. THE PROVISIONS OF ARTICLE SIX-C OF THE CORRECTION LAW WHICH RESTRICT THE USE AND DISSEMINATION OF INFORMATION OBTAINED FROM THE STATEWIDE SEX OFFENDER REGISTRY SHALL APPLY TO YOUTH SPORTS ORGANIZATIONS.

S 1397-H. VIOLATIONS; PENALTIES. A WILLFUL VIOLATION OF ANY OF THE PROVISIONS OF THIS ARTICLE SHALL SUBJECT SUCH ORGANIZATION TO A CIVIL PENALTY OF NOT MORE THAN ONE HUNDRED DOLLARS PROVIDED, HOWEVER, THAT FOR A SECOND OR SUBSEQUENT VIOLATION THE COMMISSIONER MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN TWO HUNDRED DOLLARS.

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