

10207

I N A S S E M B L Y

March 11, 2010

Introduced by M. of A. DelMONTE -- read once and referred 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:

1 Section 1. The public health law is amended by adding a new article
2 13-C to read as follows:

3 ARTICLE 13-C
4 REGULATION OF YOUTH SPORTS ORGANIZATIONS

5 SECTION 1397-A. DECLARATION OF PUBLIC POLICY.
6 1397-B. DEFINITIONS.
7 1397-C. STATEWIDE SEX OFFENDER REGISTRY INQUIRY.
8 1397-D. VOLUNTEERS SCREENED.
9 1397-E. NOTICE OF INQUIRY TO VOLUNTEERS.
10 1397-F. DISQUALIFICATION OF VOLUNTEERS.
11 1397-G. USE AND DISSEMINATION OF INFORMATION.
12 1397-H. VIOLATIONS; PENALTIES.

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

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

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

25 S 1397-C. STATEWIDE SEX OFFENDER REGISTRY INQUIRY. BEFORE ANY PERSON
26 IS PERMITTED TO VOLUNTEER HIS OR HER SERVICES WITH A YOUTH SPORTS ORGAN-

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

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1 IZATION WHERE SUCH PERSON IS EXPECTED TO HAVE DIRECT CONTACT WITH YOUTH,
2 SUCH YOUTH SPORTS ORGANIZATIONS MUST, MAKE AN INQUIRY OF THE STATEWIDE
3 SEX OFFENDER REGISTRY OPERATED BY THE DIVISION OF CRIMINAL JUSTICE
4 SERVICES, BY UTILIZING SUCH PROCEDURE AS SET FORTH IN SECTION ONE
5 HUNDRED SIXTY-EIGHT-P OF THE CORRECTION LAW, TO DETERMINE WHETHER THE
6 PROSPECTIVE VOLUNTEER IS LISTED IN THE REGISTRY AS A PERSON WHO MUST
7 REGISTER AS A SEX OFFENDER OR A SEXUALLY VIOLENT PREDATOR UNDER ARTICLE
8 SIX-C OF THE CORRECTION LAW.

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

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

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

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

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

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