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

11014

I N A S S E M B L Y

May 10, 2010

Introduced by M. of A. GABRYSZAK -- read once and referred to the Committee on Election Law

AN ACT to amend the election law, in relation to authorizing registration records of victims of sexual violence to be kept confidential in certain cases

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

Section 1. The election law is amended by adding a new section 5-510 to read as follows:

S 5-510. CONFIDENTIALITY OF REGISTRATION RECORDS FOR VICTIMS OF SEXUAL VIOLENCE. 1. FOR PURPOSES OF THIS SECTION VICTIM OF SEXUAL VIOLENCE MEANS AN INDIVIDUAL AGAINST WHOM ANY OF THE FOLLOWING SEXUAL OFFENSES HAS BEEN COMMITTED:

(A) SEXUAL MISCONDUCT, AS DEFINED IN SECTION 130.20 OF THE PENAL LAW;

(B) RAPE IN THE THIRD DEGREE, AS DEFINED IN SECTION 130.25 OF THE PENAL LAW;

(C) RAPE IN THE SECOND DEGREE, AS DEFINED IN SECTION 130.30 OF THE PENAL LAW;

(D) RAPE IN THE FIRST DEGREE, AS DEFINED IN SECTION 130.35 OF THE PENAL LAW;

(E) CRIMINAL SEXUAL ACT IN THE THIRD DEGREE, AS DEFINED IN SECTION 130.40 OF THE PENAL LAW;

(F) CRIMINAL SEXUAL ACT IN THE SECOND DEGREE, AS DEFINED IN SECTION 130.45 OF THE PENAL LAW;

(G) CRIMINAL SEXUAL ACT IN THE FIRST DEGREE, AS DEFINED IN SECTION 130.50 OF THE PENAL LAW;

(H) FORCIBLE TOUCHING, AS DEFINED IN SECTION 130.52 OF THE PENAL LAW;

(I) PERSISTENT SEXUAL ABUSE, AS DEFINED IN SECTION 130.53 OF THE PENAL LAW;

(J) SEXUAL ABUSE IN THE THIRD DEGREE, AS DEFINED IN SECTION 130.55 OF THE PENAL LAW;

(K) SEXUAL ABUSE IN THE SECOND DEGREE, AS DEFINED IN SECTION 130.60 OF THE PENAL LAW;

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

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(L) SEXUAL ABUSE IN THE FIRST DEGREE, AS DEFINED IN SECTION 130.65 OF THE PENAL LAW;
(M) AGGRAVATED SEXUAL ABUSE IN THE FOURTH DEGREE, AS DEFINED IN SECTION 130.65-A OF THE PENAL LAW;
(N) AGGRAVATED SEXUAL ABUSE IN THE THIRD DEGREE, AS DEFINED IN SECTION 130.66 OF THE PENAL LAW;
(O) AGGRAVATED SEXUAL ABUSE IN THE SECOND DEGREE, AS DEFINED IN SECTION 130.67 OF THE PENAL LAW;
(P) AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE, AS DEFINED IN SECTION 130.70 OF THE PENAL LAW;
(Q) FEMALE GENITAL MUTILATION, AS DEFINED IN SECTION 130.85 OF THE PENAL LAW;
(R) FACILITATING A SEX OFFENSE WITH A CONTROLLED SUBSTANCE, AS DEFINED IN SECTION 130.90 OF THE PENAL LAW;
(S) SEXUALLY MOTIVATED FELONY, AS DEFINED IN SECTION 130.91 OF THE PENAL LAW;
(T) PREDATORY SEXUAL ASSAULT, AS DEFINED IN SECTION 130.95 OF THE PENAL LAW.

2. UPON APPLICATION MADE TO THE SUPREME COURT, IN THE COUNTY WHEREIN A VICTIM OF SEXUAL VIOLENCE IS REGISTERED PURSUANT TO THIS ARTICLE, THE COURT MAY ISSUE AN ORDER REQUIRING THAT ANY REGISTRATION RECORD KEPT OR MAINTAINED IN ACCORDANCE WITH THIS ARTICLE WITH RESPECT TO SUCH AN INDIVIDUAL BE KEPT SEPARATE AND APART FROM OTHER REGISTRATION RECORDS AND NOT BE MADE AVAILABLE FOR INSPECTION OR COPYING BY THE PUBLIC OR ANY OTHER PERSON, EXCEPT ELECTION OFFICIALS ACTING WITHIN THE COURSE AND SCOPE OF THEIR OFFICIAL DUTIES AND ONLY AS PERTINENT AND NECESSARY IN CONNECTION THEREWITH.

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