

2139

2009-2010 Regular Sessions

I N   A S S E M B L Y

January 15, 2009

---

Introduced by M. of A. O'MARA, THIELE, TEDISCO, QUINN, KOLB, DUPREY --  
Multi-Sponsored by -- M. of A. BARCLAY, BURLING, CALHOUN, FINCH,  
GIGLIO, P. LOPEZ, MOLINARO, SAYWARD, SPANO, TOWNSEND, WALKER -- read  
once and referred to the Committee on Correction

AN ACT to amend the correction law and the vehicle and traffic law, in  
relation to identifying registered sex offenders

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

1     Section 1. Section 168-b of the correction law is amended by adding a  
2 new subdivision 12 to read as follows:  
3     12. THE DIVISION SHALL, TO AID IN THE IDENTIFICATION OF REGISTERED SEX  
4 OFFENDERS, MAKE INFORMATION AVAILABLE TO THE COMMISSIONER OF MOTOR VEHI-  
5 CLES IN ORDER TO COMPLY WITH THE PROVISIONS OF SECTION FIVE HUNDRED  
6 SEVEN OF THE VEHICLE AND TRAFFIC LAW.  
7     S 2. Section 168-d of the correction law is amended by adding a new  
8 subdivision 5 to read as follows:  
9     5. UPON A CONVICTION AS A SEX OFFENDER PURSUANT TO THIS ARTICLE, THE  
10 COURT SHALL TAKE POSSESSION OF THE DRIVER'S LICENSE AND SHALL TENDER TO  
11 THE PERSON BEING SENTENCED A TEMPORARY LICENSE, DIRECTING THAT SUCH  
12 PERSON REPORT TO THE DEPARTMENT OF MOTOR VEHICLES FOR A REPLACEMENT  
13 DRIVER'S LICENSE IN ACCORDANCE WITH SUBDIVISION SIX OF SECTION FIVE  
14 HUNDRED SEVEN OF THE VEHICLE AND TRAFFIC LAW. UPON A PERSON BEING  
15 REMOVED FROM THE REGISTRATION REQUIREMENT, THE DEPARTMENT OF MOTOR VEHI-  
16 CLES SHALL ISSUE A LICENSE WITHOUT THE SEX OFFENDER CODE PRINTED UPON  
17 THE LICENSE AT NO CHARGE.  
18     S 3. Subdivision 3 of section 168-f of the correction law, as amended  
19 by chapter 11 of the laws of 2002, is amended to read as follows:  
20     3. The provisions of subdivision two of this section shall be applied  
21 to a sex offender required to register under this article except that  
22 such sex offender designated as a sexual predator or having been given a  
23 level three designation must personally verify his or her address with

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

LBD03331-01-9

1 the local law enforcement agency, OR WITH THE STATE POLICE IF THERE BE  
2 NO LOCAL LAW ENFORCEMENT AGENCY, every ninety calendar days after the  
3 date of release or commencement of parole or post-release supervision,  
4 or probation, or release on payment of a fine, conditional discharge or  
5 unconditional discharge. The duty to personally verify shall be tempo-  
6 rarily suspended during any period in which the sex offender is confined  
7 to any state or local correctional facility, hospital or institution and  
8 shall immediately recommence on the date of the sex offender's release.

9 S 4. Section 168-1 of the correction law is amended by adding a new  
10 subdivision 6-a to read as follows:

11 6-A. SEX OFFENDERS DESIGNATED PURSUANT TO PARAGRAPH (C) OF SUBDIVISION  
12 SIX OF THIS SECTION SHALL, IN ADDITION TO THE OTHER REQUIREMENTS OF THIS  
13 ARTICLE, REGISTER WITH THE DEPARTMENT OF MOTOR VEHICLES. STATE AND LOCAL  
14 LAW ENFORCEMENT AGENCIES SHALL SHARE ALL INFORMATION REGARDING SUCH  
15 OFFENDERS. NEIGHBORS OF SUCH SEX OFFENDERS SHALL BE NOTIFIED BY THE  
16 APPROPRIATE LAW ENFORCEMENT AGENCY OF THE SEX OFFENDER'S PRESENCE. ANY  
17 RESIDENT WITHIN A RADIUS OF TWO HUNDRED FEET OF THE SEX OFFENDER'S RESI-  
18 DENCE SHALL BE DEEMED A NEIGHBOR.

19 S 5. Section 507 of the vehicle and traffic law is amended by adding  
20 two new subdivisions 6 and 7 to read as follows:

21 6. IDENTIFICATION OF SEX OFFENDERS ON LICENSES. THE COMMISSIONER SHALL  
22 REQUIRE THAT EVERY LICENSE ISSUED TO OR RECEIVED BY A PERSON REGISTERED  
23 AS A SEX OFFENDER WITH THE DEPARTMENT BY THE DIVISION OF CRIMINAL  
24 JUSTICE SERVICES, PURSUANT TO SECTION ONE HUNDRED SIXTY-EIGHT-B OF THE  
25 CORRECTION LAW, BEAR A LETTERED CODE DESIGNATED BY THE DEPARTMENT, TO  
26 IDENTIFY SUCH PERSON AS A CONVICTED SEX OFFENDER. THE COMMISSIONER SHALL  
27 CHARGE A TWENTY-FIVE DOLLAR FEE FOR THE REPLACEMENT LICENSE.

28 7. THE COMMISSIONER SHALL CAUSE A STATEWIDE DATABASE TO BE ESTABLISHED  
29 CONTAINING THE REGISTRATION INFORMATION GATHERED PURSUANT TO SUBDIVISION  
30 SIX OF THIS SECTION. SUCH DATABASE SHALL BE MADE AVAILABLE TO STATE AND  
31 LOCAL LAW ENFORCEMENT AGENCIES UPON REQUEST THEREFROM.

32 S 6. This act shall take effect on the first of November next succeed-  
33 ing the date on which it shall have become a law.