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

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2009-2010 Regular Sessions

I N A S S E M B L Y

January 23, 2009

Introduced by M. of A. BRADLEY, BOYLAND, PEOPLES, ROBINSON, TITUS, AUBRY, JEFFRIES -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, COOK, GALEF, GOTTFRIED, N. RIVERA -- read once and referred to the Committee on Correction -- reported from committee, advanced to a third reading, amended and ordered reprinted, retaining its place on the order of third reading -- again amended on third reading, ordered reprinted, retaining its place on the order of third reading

AN ACT to amend the correction law, in relation to the posting of a person's information on the department of corrections' website

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

Section 1. The correction law is amended by adding a new section 9 to read as follows:

S 9. ACCESS TO INMATE INFORMATION VIA THE INTERNET. NOTWITHSTANDING ANY PROVISION OF LAW TO THE CONTRARY, ANY INFORMATION RELATING TO THE CONVICTION OF A PERSON, EXCEPT FOR A PERSON CONVICTED OF AN OFFENSE THAT WOULD MAKE SUCH PERSON INELIGIBLE FOR MERIT TIME UNDER SECTION EIGHT HUNDRED THREE OF THIS CHAPTER OR AN OFFENSE FOR WHICH REGISTRATION AS A SEX OFFENDER IS REQUIRED AS SET FORTH IN SUBDIVISION TWO OR THREE OF SECTION ONE HUNDRED SIXTY-EIGHT-A OF THIS CHAPTER, THAT IS POSTED ON A WEBSITE MAINTAINED BY OR FOR THE DEPARTMENT, UNDER ARTICLE SIX OF THE PUBLIC OFFICERS LAW, MAY BE POSTED ON SUCH WEBSITE FOR A PERIOD NOT TO EXCEED FIVE YEARS AFTER THE EXPIRATION OF SUCH PERSON'S SENTENCE OF IMPRISONMENT AND ANY PERIOD OF PAROLE OR POST-RELEASE SUPERVISION; PROVIDED, HOWEVER, THAT IN THE CASE OF A PERSON WHO HAS BEEN COMMITTED TO THE DEPARTMENT ON MORE THAN ONE OCCASION, THE DEPARTMENT MAY POST CONVICTION INFORMATION RELATING TO ANY PRIOR COMMITMENT ON SUCH WEBSITE FOR A PERIOD NOT TO EXCEED FIVE YEARS AFTER THE EXPIRATION OF SUCH PERSON'S SENTENCE OF IMPRISONMENT AND ANY PERIOD OF PAROLE OR POST-RELEASE SUPERVISION ARISING FROM THE MOST RECENT COMMITMENT TO THE DEPARTMENT.

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

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

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