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

4040

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. AUBRY -- Multi-Sponsored by -- M. of A. BARRA, COOK, GALEF, MAGEE, PHEFFER -- read once and referred to the Committee on Correction

AN ACT to amend the social services law, in relation to sex offender registry checks for youth organization volunteers

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

Section 1. The social services law is amended by adding a new section 378-b to read as follows:

S 378-B. SEX OFFENDER REGISTRY CHECKS FOR YOUTH ORGANIZATION VOLUNTEERS. 1. AS USED IN THIS SECTION:

(A) "YOUTH 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 ACTIVITIES, INCLUDING BUT NOT LIMITED TO SPORTING, RECREATIONAL, EDUCATIONAL OR RELIGIOUS ACTIVITIES. AS USED HEREIN, "YOUTH ORGANIZATION" SHALL INCLUDE ONLY THOSE ORGANIZATIONS THAT USE VOLUNTEERS TO SUPERVISE YOUTH AND EXCLUDE INSTITUTIONS WHICH ARE SANCTIONED BY THE STATE EDUCATION DEPARTMENT TO PROVIDE EDUCATIONAL INSTRUCTION TO YOUTH.

(B) "YOUTH" MEANS A PERSON UNDER THE AGE OF EIGHTEEN.

2. (A) BEFORE ANY PERSON IS PERMITTED TO VOLUNTEER HIS OR HER SERVICES WITH A YOUTH ORGANIZATION WHERE SUCH PERSON IS EXPECTED TO HAVE DIRECT CONTACT WITH YOUTH, SUCH YOUTH ORGANIZATION MUST, BY USE OF THE SPECIAL TELEPHONE NUMBER DESCRIBED IN SECTION ONE HUNDRED SIXTY-EIGHT-P OF THE CORRECTION LAW, REQUEST THAT AN INQUIRY BE MADE OF THE STATEWIDE SEX OFFENDER REGISTRY OPERATED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES 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.

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

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(B) NO LATER THAN JANUARY FIRST, TWO THOUSAND TEN, YOUTH ORGANIZATIONS SHALL CAUSE TO BE CONDUCTED THE STATEWIDE SEX OFFENDER REGISTRY INQUIRY DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION FOR ALL ACTIVE VOLUNTEERS OF SUCH ORGANIZATION WHERE SUCH VOLUNTEER HAS DIRECT CONTACT WITH YOUTH. ANY SUBSEQUENT STATEWIDE SEX OFFENDER REGISTRY INQUIRIES INITIATED BY SUCH YOUTH ORGANIZATION SHALL BE MADE AT THE DISCRETION OF THE YOUTH ORGANIZATION.

3. A YOUTH ORGANIZATION, PRIOR TO INITIATING THE STATEWIDE SEX OFFENDER REGISTRY INQUIRY DESCRIBED IN PARAGRAPHS (A) AND (B) OF SUBDIVISION TWO OF THIS SECTION, SHALL INFORM THE VOLUNTEER OR PERSON SEEKING TO VOLUNTEER HIS OR HER SERVICES THAT SUCH INQUIRY WILL BE PERFORMED. THE YOUTH ORGANIZATION SHALL PROVIDE THE VOLUNTEER OR PROSPECTIVE VOLUNTEER THE OPPORTUNITY TO CEASE SUCH VOLUNTEER SERVICES BEFORE SUCH INQUIRY IS INITIATED.

4. A YOUTH ORGANIZATION IS PROHIBITED FROM PERMITTING ANY PERSON DETERMINED TO BE LISTED IN THE STATEWIDE SEX OFFENDER REGISTRY PURSUANT TO PARAGRAPHS (A) AND (B) OF SUBDIVISION TWO OF THIS SECTION TO VOLUNTEER HIS OR HER SERVICES WITH SUCH ORGANIZATION WHERE SUCH PERSON HAS OR IS EXPECTED TO HAVE DIRECT CONTACT WITH YOUTH.

5. 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 ORGANIZATIONS.

6. A WILLFUL VIOLATION OF ANY OF THE PROVISIONS OF THIS SECTION 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 OF THE OFFICE OF CHILDREN AND FAMILY SERVICES MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN TWO HUNDRED DOLLARS.

S 2. This act shall take effect immediately.