

5341

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. GIANARIS, GUNTHER, SPANO -- Multi-Sponsored by --
M. of A. SCHROEDER -- read once and referred to the Committee on
Correction

AN ACT to amend the correction law, in relation to the registration of
sex offenders

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

1 Section 1. Subdivision 6 of section 168-b of the correction law, as
2 amended by chapter 106 of the laws of 2006, is amended to read as
3 follows:
4 6. The division shall also establish a [subdirectory] DIRECTORY pursu-
5 ant to section one hundred sixty-eight-q of this article.
6 S 2. Paragraphs (a), (b) and (c) of subdivision 6 of section 168-1 of
7 the correction law, paragraphs (a) and (b) as amended by chapter 106 of
8 the laws of 2006 and paragraph (c) as separately amended by chapters 318
9 and 680 of the laws of 2005, are amended to read as follows:
10 (a) If the risk of repeat offense is low, a level one designation
11 shall be given to such sex offender. In such case the law enforcement
12 agency or agencies having jurisdiction and the law enforcement agency or
13 agencies having had jurisdiction at the time of his or her conviction
14 shall be notified and may disseminate relevant information which may
15 include a photograph and description of the offender and which may
16 include the name of the sex offender, approximate address based on sex
17 offender's zip code, background information including the offender's
18 crime of conviction, modus of operation, type of victim targeted, the
19 name and address of any institution of higher education at which the sex
20 offender is enrolled, attends, is employed or resides and the
21 description of special conditions imposed on the offender to any entity
22 with vulnerable populations related to the nature of the offense commit-
23 ted by such sex offender. Any entity receiving information on a sex
24 offender may disclose or further disseminate such information at its
25 discretion. IN ADDITION, IN EACH SUCH CASE, THE NAME OF THE SEX OFFEN-
26 DER, A PHOTOGRAPH OF THE SEX OFFENDER AND APPROXIMATE ADDRESS BASED ON

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

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1 THE SEX OFFENDERS ZIP CODE SHALL ALSO BE PROVIDED IN THE DIRECTORY
2 ESTABLISHED IN THIS ARTICLE.

3 (b) If the risk of repeat offense is moderate, a level two designation
4 shall be given to such sex offender. In such case the law enforcement
5 agency or agencies having jurisdiction and the law enforcement agency or
6 agencies having had jurisdiction at the time of his or her conviction
7 shall be notified and may disseminate relevant information which shall
8 include a photograph and description of the offender and which may
9 include the exact name and any aliases used by the sex offender, approx-
10 imate address based on sex offender's zip code, background information
11 including the offender's crime of conviction, mode of operation, type of
12 victim targeted, the name and address of any institution of higher
13 education at which the sex offender is enrolled, attends, is employed or
14 resides and the description of special conditions imposed on the offen-
15 der to any entity with vulnerable populations related to the nature of
16 the offense committed by such sex offender. Any entity receiving infor-
17 mation on a sex offender may disclose or further disseminate such infor-
18 mation at its discretion. In addition, in such case, the information
19 described [herein] IN THIS PARAGRAPH shall also be provided in the
20 [subdirectory] DIRECTORY established in this article and notwithstanding
21 any other provision of law, such information shall, upon request, be
22 made available to the public.

23 Such law enforcement agencies shall compile, maintain and update a
24 listing of vulnerable organizational entities within its jurisdiction.
25 Such listing shall be utilized for notification of such organizations in
26 disseminating such information on level two sex offenders pursuant to
27 this paragraph. Such listing shall include and not be limited to:
28 superintendents of schools or chief school administrators, superinten-
29 dents of parks, public and private libraries, public and private school
30 bus transportation companies, day care centers, nursery schools, pre-
31 schools, neighborhood watch groups, community centers, civic associ-
32 ations, nursing homes, victim's advocacy groups and places of worship.

33 (c) If the risk of repeat offense is high and there exists a threat to
34 the public safety a level three designation shall be given to such sex
35 offender. In such case, the law enforcement agency or agencies having
36 jurisdiction and the law enforcement agency or agencies having had
37 jurisdiction at the time of his or her conviction shall be notified and
38 may disseminate relevant information which shall include a photograph
39 and description of the offender and which may include the sex offender's
40 exact name and any aliases used by the offender, exact address, address
41 of the offender's place of employment, background information including
42 the offender's crime of conviction, mode of operation, type of victim
43 targeted, the name and address of any institution of higher education at
44 which the sex offender is enrolled, attends, is employed or resides and
45 the description of special conditions imposed on the offender to any
46 entity with vulnerable populations related to the nature of the offense
47 committed by such sex offender. Any entity receiving information on a
48 sex offender may disclose or further disseminate such information at its
49 discretion. In addition, in such case, the information described [here-
50 in] IN THIS PARAGRAPH shall also be provided in the [subdirectory]
51 DIRECTORY established in this article and notwithstanding any other
52 provision of law, such information shall, upon request, be made avail-
53 able to the public.

54 Such law enforcement agencies shall compile, maintain and update a
55 listing of vulnerable organizational entities within its jurisdiction.
56 Such listing shall be utilized for notification of such organizations in

disseminating such information on level three sex offenders pursuant to this paragraph. Such listing shall include and not be limited to: superintendents of schools or chief school administrators, superintendents of parks, public and private libraries, public and private school bus transportation companies, day care centers, nursery schools, pre-schools, neighborhood watch groups, community centers, civic associations, nursing homes, victim's advocacy groups and places of worship.

S 3. The section heading and subdivision 1 of section 168-q of the correction law, as amended by chapter 106 of the laws of 2006, are amended to read as follows:

[Subdirectory] DIRECTORY; internet posting. 1. The division shall maintain a [subdirectory of level two and three] DIRECTORY OF sex offenders[. The subdirectory] WHICH SHALL BE MADE AVAILABLE AT ALL TIMES ON THE INTERNET VIA THE DIVISION HOMEPAGE FOR PURPOSES OF PUBLIC ACCESS.

(A) IN THE CASE OF A SEX OFFENDER WHO HAS BEEN GIVEN A LEVEL ONE DESIGNATION, THE DIRECTORY SHALL INCLUDE THE NAME OF THE SEX OFFENDER, A PHOTOGRAPH OF THE SEX OFFENDER AND APPROXIMATE ADDRESS BASED ON THE SEX OFFENDER'S ZIP CODE.

(B) IN THE CASE OF A SEX OFFENDER WHO HAS BEEN GIVEN A LEVEL TWO OR THREE DESIGNATION, THE DIRECTORY shall include the exact address, address of the offender's place of employment and photograph of the sex offender along with the following information, if available: name, physical description, age and distinctive markings. Background information including the sex offender's crime of conviction, modus of operation, type of victim targeted, the name and address of any institution of higher education at which the sex offender is enrolled, attends, is employed or resides and a description of special conditions imposed on the sex offender shall also be included. [The subdirectory shall have sex offender listings categorized by county and zip code. A copy of the subdirectory shall annually be distributed to the offices of local village, town, city, county or state law enforcement agencies for purposes of public access. The division shall distribute monthly updates to the offices of local village, town, city, county or state law enforcement agencies for purposes of public access. Such departments]

(C) THE DIVISION shall require that a person [in writing] provide [their] HIS OR HER name and address prior to viewing the [subdirectory] DIRECTORY. Any information identifying the victim by name, birth date, address or relation to the sex offender shall be excluded from the [subdirectory distributed for purposes of public access. The subdirectory provided for herein shall be updated monthly to maintain its efficiency and usefulness and shall be computer accessible. Such subdirectory shall be made available at all times on the internet via the division homepage] DIRECTORY.

(D) THE DIVISION SHALL, ON ITS INTERNET HOMEPAGE, PROVIDE A MEANS FOR ANY PERSON TO REGISTER TO RECEIVE NOTICE AT SUCH PERSON'S ELECTRONIC MAIL ADDRESS OF ALL SEX OFFENDERS WHO RESIDE OR MOVE INTO THE AREA ENCOMPASSED BY SUCH PERSON'S ZIP CODE. THE DIVISION SHALL PROVIDE TIMELY NOTICE BY ELECTRONIC MAIL TO EACH PERSON WHO REGISTERS PURSUANT TO THIS PARAGRAPH OF EVERY SEX OFFENDER RESIDING IN AND OF EVERY SEX OFFENDER WHO MOVES INTO THE PERSON'S ZIP CODE. SUCH NOTICE SHALL INCLUDE ALL INFORMATION AUTHORIZED TO BE DISCLOSED ON EACH SUCH SEX OFFENDER PURSUANT TO PARAGRAPH (A) OR (B) OF THIS SUBDIVISION.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law.