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

947

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. McDONOUGH, KOLB, ERRIGO, RAIA, FITZPATRICK -- Multi-Sponsored by -- M. of A. BUTLER, OAKS, REILICH, THIELE -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to level three sex offenders

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

Section 1. Subdivision 1 of section 168-q of the correction law, as amended by chapter 106 of the laws of 2006, is amended to read as follows:

1. The division shall maintain a subdirectory of level two and three sex offenders. The subdirectory 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. *IF THE MODUS OF OPERATION OF THE SEX OFFENDER IS MINOR CHILDREN, THE DIVISION SHALL NOTIFY LOCAL LAW ENFORCEMENT AGENCIES WHO SHALL IMMEDIATELY PROVIDE FOR THE DISSEMINATION OF SUCH INFORMATION TO LOCAL SUPERINTENDENTS OF PUBLIC SCHOOLS, HEADS OF LOCAL PRIVATE SCHOOLS, AND LOCAL ELECTED OFFICIALS,*

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

LBD01403-01-9

INCLUDING BUT NOT LIMITED TO, STATE LEGISLATORS, COUNTY EXECUTIVES, COUNTY LEGISLATORS, TOWN SUPERVISORS, TOWN BOARD MEMBERS, VILLAGE AND CITY MAYORS AND VILLAGE AND CITY TRUSTEES. FURTHERMORE, ALL ADJACENT RESIDENTIAL AND COMMERCIAL PROPERTY OWNERS LOCATED WITHIN ONE THOUSAND FEET OF THE SEX OFFENDER'S ADDRESS SHALL BE NOTIFIED BY THE LOCAL LAW ENFORCEMENT AGENCY.

Such departments shall require that a person in writing provide their name and address prior to viewing the subdirectory. 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.

S 2. This act shall take effect immediately.