

1485

2009-2010 Regular Sessions

I N   S E N A T E

February 2, 2009

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Introduced by Sens. SKELOS, FARLEY, FUSCHILLO, GOLDEN, LEIBELL, MAZIARZ, MORAHAN, SALAND, SEWARD, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to requiring sex offenders to verify their registration with the sex offender registry on a biannual basis

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

1     Section 1. Subdivision 4 of section 168-b of the correction law, as  
2     added by chapter 192 of the laws of 1995, is amended to read as follows:  
3     4. The division shall, UPON A DIFFERENT RANDOM DATE DURING EACH SIX  
4     MONTH PERIOD OF THE CALENDAR YEAR, mail a nonforwardable verification  
5     form to the last reported address of the person for [annual] BIENNIAL  
6     verification requirements.  
7     S 2. The opening paragraph of subdivision 2 of section 168-f of the  
8     correction law, as added by chapter 192 of the laws of 1995, is amended  
9     to read as follows:  
10    For a sex offender required to register under this article [on each  
11    anniversary of the sex offender's initial registration date] UPON  
12    RECEIPT OF EACH RANDOMLY MAILED BIENNIAL VERIFICATION FORM during the  
13    period in which he is required to register under this section the  
14    following applies:  
15    S 3. Subdivision 2 of section 168-g of the correction law, as added by  
16    chapter 192 of the laws of 1995, is amended to read as follows:  
17    2. Every sex offender who on the effective date of this article is  
18    then on parole or probation for an offense provided for in subdivision  
19    two or three of section one hundred sixty-eight-a of this article shall  
20    within ten calendar days of such determination register with his parole  
21    or probation officer. [On each anniversary of] ON AND AFTER the sex  
22    offender's initial registration date [thereafter], the provisions of

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

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1 section one hundred sixty-eight-f of this article shall BE DEEMED TO  
2 apply TO SUCH OFFENDER. Any sex offender who fails or refuses to so  
3 comply shall be subject to the same penalties as otherwise provided for  
4 in this article which would be imposed upon a sex offender who fails or  
5 refuses to so comply with the provisions of this article on or after  
6 such effective date.

7 S 4. Subdivisions 1 and 2 of section 168-h of the correction law, as  
8 amended by chapter 1 of the laws of 2006, are amended to read as  
9 follows:

10 1. The duration of registration and verification for a sex offender  
11 who has not been designated a sexual predator, or a sexually violent  
12 offender, or a predicate sex offender, and who is classified as a level  
13 one risk, or who has not yet received a risk level classification, shall  
14 be [annually] BIANNUALLY for a period of twenty years from the initial  
15 date of registration.

16 2. The duration of registration and verification for a sex offender  
17 who, on or after March eleventh, two thousand two, is designated a sexu-  
18 al predator, or a sexually violent offender, or a predicate sex offen-  
19 der, or who is classified as a level two or level three risk, shall be  
20 [annually] BIANNUALLY for life. Notwithstanding the foregoing, a sex  
21 offender who is classified as a level two risk and who is not designated  
22 a sexual predator, a sexually violent offender or a predicate sex offen-  
23 der, may be relieved of the duty to register and verify as provided by  
24 subdivision one of section one hundred sixty-eight-o of this article.

25 S 5. This act shall take effect on the first of January next succeed-  
26 ing the date on which it shall have become a law, provided that any  
27 rules, regulations and forms necessary to implement the provisions of  
28 this act on its effective date are authorized and directed to be  
29 completed on or before such date.