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

1485

2009-2010 Regular Sessions

I N S E N A T E

February 2, 2009

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:

Section 1. Subdivision 4 of section 168-b of the correction law, as added by chapter 192 of the laws of 1995, is amended to read as follows:

4. The division shall, UPON A DIFFERENT RANDOM DATE DURING EACH SIX MONTH PERIOD OF THE CALENDAR YEAR, mail a nonforwardable verification form to the last reported address of the person for [annual] BIANNUAL verification requirements.

S 2. The opening paragraph of subdivision 2 of section 168-f of the correction law, as added by chapter 192 of the laws of 1995, is amended to read as follows:

For a sex offender required to register under this article [on each anniversary of the sex offender's initial registration date] UPON RECEIPT OF EACH RANDOMLY MAILED BIANNUAL VERIFICATION FORM during the period in which he is required to register under this section the following applies:

S 3. Subdivision 2 of section 168-g of the correction law, as added by chapter 192 of the laws of 1995, is amended to read as follows:

2. Every sex offender who on the effective date of this article is then on parole or probation for an offense provided for in subdivision two or three of section one hundred sixty-eight-a of this article shall within ten calendar days of such determination register with his parole or probation officer. [On each anniversary of] ON AND AFTER the sex 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.

LBD03384-01-9

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

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

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

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

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