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

2509

2009-2010 Regular Sessions

I N S E N A T E

February 23, 2009

Introduced by Sens. DeFRANCISCO, MAZIARZ -- 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 establishing a class D felony for sex offenders who fail to register or verify and are found at locations where children often frequent

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

Section 1. Section 168-t of the correction law, as amended by chapter 373 of the laws of 2007, is amended to read as follows:

S 168-t. Penalty. 1. Any sex offender required to register or to verify pursuant to the provisions of this article who fails to register or verify in the manner and within the time periods provided for in this article shall be guilty of a class E felony upon conviction for the first offense, and upon conviction for a second or subsequent offense shall be guilty of a class D felony. Any sex offender who violates the provisions of section one hundred sixty-eight-v of this article shall be guilty of a class A misdemeanor upon conviction for the first offense, and upon conviction for a second or subsequent offense shall be guilty of a class D felony.

2. ANY SEX OFFENDER REQUIRED TO REGISTER OR TO VERIFY PURSUANT TO THE PROVISIONS OF THIS ARTICLE WHO FAILS TO REGISTER OR VERIFY IN THE MANNER AND WITHIN THE TIME PERIODS PROVIDED FOR HEREIN AND WHO LOITERS AT PARKS, PLAYGROUNDS, SCHOOLS, CHILD DAY CARE CENTERS, LIBRARIES, AMUSEMENT PARKS OR ANY OTHER LOCATION THAT CHILDREN ARE LIKELY TO FREQUENT AT A TIME WHEN CHILDREN ARE ACTUALLY PRESENT, SHALL BE GUILTY OF A CLASS D FELONY.

3. Any such failure to register or verify may also be the basis for revocation of parole pursuant to section two hundred fifty-nine-i of the executive law or the basis for revocation of probation pursuant to article four hundred ten of the criminal procedure law.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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