

4002

2009-2010 Regular Sessions

I N S E N A T E

April 7, 2009

Introduced by Sen. MORAHAN -- 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 lifetime probation and electronic monitoring of certain sexual offenders

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

- 1 Section 1. Section 168-g of the correction law is amended by adding a
2 new subdivision 5 to read as follows:
3 5. NOTWITHSTANDING ANY PROVISION OF THIS SECTION TO THE CONTRARY, ANY
4 SEX OFFENDER WHO IS CONVICTED OF MOLESTING A CHILD UNDER THE AGE OF
5 FOURTEEN, AFTER SUCH SEX OFFENDER HAS SERVED JAIL TIME FOR A PREVIOUS
6 SEXUAL OFFENSE AS DEFINED IN SUBDIVISION TWO OR THREE OF SECTION ONE
7 HUNDRED SIXTY-EIGHT-A OF THIS ARTICLE, SHALL BE SUBJECT TO LIFETIME
8 PROBATION AND AN ELECTRONIC MONITORING DEVICE TO BE MONITORED BY THE
9 DIVISION.
10 S 2. Subdivision 6 of section 168-l of the correction law is amended
11 by adding a new paragraph (d) to read as follows:
12 (D) IN ADDITION TO THE REQUIREMENTS OF THIS SUBDIVISION, IF THE RISK
13 OF A REPEAT OFFENSE IS HIGH OR IF THE SEXUAL OFFENDER IS CONVICTED OF
14 MOLESTING A CHILD UNDER THE AGE OF FOURTEEN AFTER SUCH SEXUAL OFFENDER
15 HAS SERVED JAIL TIME FOR A PREVIOUS SEXUAL OFFENSE AS DEFINED IN SUBDI-
16 VISION TWO OR THREE OF SECTION ONE HUNDRED SIXTY-EIGHT-A OF THIS ARTI-
17 CLE, SUCH SEXUAL OFFENDER SHALL BE GRANTED LIFETIME PROBATION AND AN
18 ELECTRONIC MONITORING DEVICE DISTRIBUTED AND MONITORED BY THE DIVISION.
19 S 3. This act shall take effect on the ninetieth day after it shall
20 have become a law.

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

LBD02336-01-9