

2009-2010 Regular Sessions

I N S E N A T E

(PREFILED)

January 7, 2009

Introduced by Sen. ROBACH -- 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 level three designation for certain sex offenders

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

1 Section 1. The opening paragraph of paragraph (c) of subdivision 6 of
2 section 168-1 of the correction law, as separately amended by chapters
3 318 and 680 of the laws of 2005, is amended to read as follows:
4 If the risk of repeat offense is high and there exists a threat to the
5 public safety a level three designation shall be given to such sex
6 offender. IF THE SEX OFFENDER HAS A CONVICTION OF OR A CONVICTION FOR
7 AN ATTEMPT TO COMMIT AN OFFENSE CONTAINED IN ARTICLE ONE HUNDRED THIRTY
8 OR TWO HUNDRED SIXTY-THREE OR SECTION 135.25, 230.06, 230.32, 255.25,
9 255.26 OR 255.27 OF THE PENAL LAW AND WHERE THE VICTIM OF THE RELATED
10 OFFENSE IS LESS THAN ELEVEN YEARS OLD A LEVEL THREE DESIGNATION SHALL BE
11 GIVEN TO SUCH SEX OFFENDER. In [such] EITHER case, the law enforcement
12 agency or agencies having jurisdiction and the law enforcement agency or
13 agencies having had jurisdiction at the time of his or her conviction
14 shall be notified and may disseminate relevant information which shall
15 include a photograph and description of the offender and which may
16 include the sex offender's exact name and any aliases used by the offender,
17 exact address, address of the offender's place of employment, background
18 information including the offender's crime of conviction, mode of
19 operation, type of victim targeted, the name and address of any institution
20 of higher education at which the sex offender is enrolled, attends,
21 is employed or resides and the description of special conditions imposed
22 on the offender to any entity with vulnerable populations related to the
23 nature of the offense committed by such sex offender. Any entity receiv-

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

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1 ing information on a sex offender may disclose or further disseminate
2 such information at its discretion. In addition[, in such case,] the
3 information described [herein] IN THIS PARAGRAPH shall also be provided
4 in the subdirectory established in this article and notwithstanding any
5 other provision of law, such information shall, upon request, be made
6 available to the public.

7 S 2. This act shall take effect on the first of November next succeed-
8 ing the date on which it shall have become a law.