

4269

2009-2010 Regular Sessions

I N S E N A T E

April 20, 2009

Introduced by Sen. FOLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to regulation of youth sports organizations

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

1 Section 1. The public health law is amended by adding a new article
2 13-C to read as follows:

3 ARTICLE 13-C
4 REGULATION OF YOUTH SPORTS ORGANIZATIONS

5 SECTION 1397-A. DECLARATION OF PUBLIC POLICY.
6 1397-B. DEFINITIONS.
7 1397-C. STATEWIDE SEX OFFENDER REGISTRY INQUIRY.
8 1397-D. VOLUNTEERS SCREENED.
9 1397-E. NOTICE OF INQUIRY TO VOLUNTEERS.
10 1397-F. DISQUALIFICATION OF VOLUNTEERS.
11 1397-G. USE AND DISSEMINATION OF INFORMATION.
12 1397-H. VIOLATIONS; PENALTIES.

13 S 1397-A. DECLARATION OF PUBLIC POLICY. IT IS THE DECLARED POLICY OF
14 THE STATE OF NEW YORK TO PROTECT THE HEALTH, SAFETY AND WELFARE OF CHIL-
15 DREN ATTENDING YOUTH SPORTS ORGANIZATIONS.

16 S 1397-B. DEFINITIONS. 1. "YOUTH SPORTS ORGANIZATION" MEANS ANY PUBLIC
17 OR PRIVATE AGENCY, ORGANIZATION, ASSOCIATION OR GROUP ORGANIZED AND
18 FUNCTIONING, IN WHOLE OR IN PART, FOR THE PURPOSE OF PROVIDING YOUTH
19 WITH THE OPPORTUNITY TO PARTICIPATE IN SUPERVISED SPORTING ACTIVITIES.
20 AS USED HEREIN, "YOUTH SPORTS ORGANIZATION" SHALL INCLUDE ONLY THOSE
21 ORGANIZATIONS THAT USE VOLUNTEERS TO SUPERVISE YOUTH AND EXCLUDE INSTI-
22 TUTIONS WHICH ARE SANCTIONED BY THE EDUCATION DEPARTMENT TO PROVIDE
23 EDUCATIONAL INSTRUCTION TO YOUTH.

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

LBD04601-01-9

1 2. "YOUTH" MEANS A PERSON UNDER THE AGE OF EIGHTEEN.

2 S 1397-C. STATEWIDE SEX OFFENDER REGISTRY INQUIRY. BEFORE ANY PERSON
3 IS PERMITTED TO VOLUNTEER HIS OR HER SERVICES WITH A YOUTH SPORTS ORGAN-
4 IZATION WHERE SUCH PERSON IS EXPECTED TO HAVE DIRECT CONTACT WITH YOUTH,
5 SUCH YOUTH SPORTS ORGANIZATIONS MUST, MAKE AN INQUIRY OF THE STATEWIDE
6 SEX OFFENDER REGISTRY OPERATED BY THE DIVISION OF CRIMINAL JUSTICE
7 SERVICES, BY UTILIZING SUCH PROCEDURE AS SET FORTH IN SECTION ONE
8 HUNDRED SIXTY-EIGHT-P OF THE CORRECTION LAW, TO DETERMINE WHETHER THE
9 PROSPECTIVE VOLUNTEER IS LISTED IN THE REGISTRY AS A PERSON WHO MUST
10 REGISTER AS A SEX OFFENDER OR A SEXUALLY VIOLENT PREDATOR UNDER ARTICLE
11 SIX-C OF THE CORRECTION LAW.

12 S 1397-D. VOLUNTEERS SCREENED. NO LATER THAN JANUARY FIRST, TWO THOU-
13 SAND TEN, YOUTH SPORTS ORGANIZATIONS SHALL CAUSE TO BE CONDUCTED THE
14 STATEWIDE SEX OFFENDER REGISTRY INQUIRY DESCRIBED IN SECTION THIRTEEN
15 HUNDRED NINETY-SEVEN-C OF THIS ARTICLE FOR ALL ACTIVE VOLUNTEERS OF SUCH
16 ORGANIZATION WHERE SUCH VOLUNTEER HAS DIRECT CONTACT WITH YOUTH.

17 S 1397-E. NOTICE OF INQUIRY TO VOLUNTEERS. A YOUTH SPORTS ORGANIZA-
18 TION, PRIOR TO INITIATING THE STATEWIDE SEX OFFENDER REGISTRY INQUIRY
19 DESCRIBED IN SECTIONS THIRTEEN HUNDRED NINETY-SEVEN-C AND THIRTEEN
20 HUNDRED NINETY-SEVEN-D OF THIS ARTICLE, SHALL INFORM THE VOLUNTEER OR
21 PERSON SEEKING TO VOLUNTEER HIS OR HER SERVICES THAT SUCH INQUIRY WILL
22 BE PERFORMED.

23 S 1397-F. DISQUALIFICATION OF VOLUNTEERS. A YOUTH SPORTS ORGANIZATION
24 IS PROHIBITED FROM PERMITTING ANY PERSON DETERMINED TO BE LISTED IN THE
25 STATEWIDE SEX OFFENDER REGISTRY PURSUANT TO SECTIONS THIRTEEN HUNDRED
26 NINETY-SEVEN-C AND THIRTEEN HUNDRED NINETY-SEVEN-D OF THIS ARTICLE TO
27 VOLUNTEER HIS OR HER SERVICES WITH SUCH ORGANIZATION WHERE SUCH PERSON
28 HAS OR IS EXPECTED TO HAVE DIRECT CONTACT WITH YOUTH.

29 S 1397-G. USE AND DISSEMINATION OF INFORMATION. THE PROVISIONS OF
30 ARTICLE SIX-C OF THE CORRECTION LAW WHICH RESTRICT THE USE AND DISSEM-
31 INATION OF INFORMATION OBTAINED FROM THE STATEWIDE SEX OFFENDER REGISTRY
32 SHALL APPLY TO YOUTH SPORTS ORGANIZATIONS.

33 S 1397-H. VIOLATIONS; PENALTIES. A WILLFUL VIOLATION OF ANY OF THE
34 PROVISIONS OF THIS ARTICLE SHALL SUBJECT SUCH ORGANIZATION TO A CIVIL
35 PENALTY OF NOT MORE THAN ONE HUNDRED DOLLARS PROVIDED, HOWEVER, THAT FOR
36 A SECOND OR SUBSEQUENT VIOLATION THE COMMISSIONER MAY IMPOSE A CIVIL
37 PENALTY OF NOT MORE THAN TWO HUNDRED DOLLARS.

38 S 2. This act shall take effect on the sixtieth day after it shall
39 have become a law.