

4740

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. AUBERTINE -- 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 the sex offender alert line

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

- 1 Section 1. The correction law is amended by adding a new section 168-
2 pp to read as follows:
3 S 168-PP. SEX OFFENDER ALERT LINE. 1. PURSUANT TO SECTION ONE HUNDRED
4 SIXTY-EIGHT-B OF THIS ARTICLE, THE DIVISION SHALL ALSO OPERATE A TELE-
5 PHONE NUMBER, VIA THE SAME SPECIAL TELEPHONE NUMBER ESTABLISHED PURSUANT
6 TO SECTION ONE HUNDRED SIXTY-EIGHT-P OF THIS ARTICLE, TO BE KNOWN AS THE
7 SEX OFFENDER ALERT LINE, THAT MEMBERS OF THE PUBLIC MAY CALL FREE OF
8 CHARGE TO INQUIRE AS TO WHETHER OR NOT ANY PERSON LISTED ON THE REGISTRY
9 IS KNOWN TO THE DIVISION TO RESIDE WITHIN ANY ONE OF THREE AREAS, DESIG-
10 NATED BY POSTAL ZIP CODES, PROVIDED BY THE CALLER. THE CALLER SHALL BE
11 REQUIRED TO PROVIDE A TELEPHONE NUMBER TO BE CALLED BY THE DIVISION TO
12 FACILITATE NOTICE TO THE CALLER. THE CALLER SHALL BE REQUIRED TO SPECI-
13 FY WHETHER A NOTIFICATION MAY BE GIVEN ONLY TO THE CALLER PERSONALLY OR
14 GIVEN TO AN ANSWERING MACHINE. THE CALLER SHALL ALSO BE REQUIRED TO
15 SPECIFY WHETHER OR NOT THE BREAK PERIOD IS TO BE OBSERVED.
16 2. THE DIVISION MAY AUTOMATE SUCH SEX OFFENDER ALERT LINE ONLY TO THE
17 EXTENT PROVIDED IN THIS SECTION. THE DIVISION SHALL DIVULGE SUCH INFOR-
18 MATION AS IS OTHERWISE PERMITTED BY LAW TO BE DIVULGED, AND NEED NOT
19 DIVULGE VIA TELEPHONE ANY IMPRACTICAL AMOUNT OF INFORMATION, BUT MAY
20 DIRECT THE RECIPIENT OF THE CALL TO APPROPRIATE RESOURCES FOR FURTHER
21 INFORMATION, INCLUDING BUT NOT LIMITED TO THE DIVISION'S HOMEPAGE ON THE
22 INTERNET.
23 3. WHEN THE TELEPHONE NUMBER IS CALLED, A PREAMBLE SHALL BE PLAYED
24 WHICH SHALL PROVIDE THE FOLLOWING INFORMATION: (A) NOTICE THAT THE CALL-

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

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1 ER'S TELEPHONE NUMBER WILL BE RECORDED; (B) THAT THERE IS NO CHARGE FOR
2 USE OF THE TELEPHONE NUMBER; (C) NOTICE THAT THE CALLER IS REQUIRED TO
3 IDENTIFY HIMSELF OR HERSELF TO THE OPERATOR AND PROVIDE CURRENT ADDRESS
4 AND SHALL BE MAINTAINED IN A WRITTEN RECORD; (D) NOTICE THAT THE CALLER
5 IS REQUIRED TO BE EIGHTEEN YEARS OF AGE OR OLDER; (E) A WARNING THAT IT
6 IS ILLEGAL TO USE INFORMATION OBTAINED THROUGH THE TELEPHONE NUMBER TO
7 COMMIT A CRIME AGAINST ANY PERSON LISTED OR TO ENGAGE IN ILLEGAL
8 DISCRIMINATION OR HARASSMENT AGAINST SUCH PERSON; (F) A STATEMENT THAT
9 THE NUMBER IS NOT A CRIME HOTLINE AND THAT ANY SUSPECTED CRIMINAL ACTIV-
10 ITY SHOULD BE REPORTED TO LOCAL AUTHORITIES; AND (G) A STATEMENT THAT AN
11 INFORMATION PACKAGE WHICH WILL INCLUDE A DESCRIPTION OF THE LAW AND SEX
12 ABUSE AND ABDUCTION PREVENTION MATERIALS IS AVAILABLE UPON REQUEST FROM
13 THE DIVISION. SUCH INFORMATION PACKAGE SHALL INCLUDE QUESTIONS AND
14 ANSWERS REGARDING THE MOST COMMONLY ASKED QUESTIONS ABOUT THE SEX OFFEN-
15 DER REGISTRATION ACT, AND CURRENT SEX ABUSE AND ABDUCTION PREVENTION
16 MATERIAL.

17 4. THE SEX OFFENDER ALERT LINE SHALL ACCEPT CALLS FROM MEMBERS OF THE
18 PUBLIC TWENTY-FOUR HOURS PER DAY, SEVEN DAYS PER WEEK. NOTIFICATIONS TO
19 CALLERS SHALL BE MADE AS TO ANY REGISTERED SEX OFFENDERS RESIDING WITHIN
20 THE GIVEN AREAS AS OF THE TIME WHEN THE CALL IS PLACED AND AS TO ANY
21 REGISTERED SEX OFFENDERS ENTERING RESIDENCE WITHIN THE GIVEN AREAS
22 SUBSEQUENT TO THE TIME WHEN THE CALL IS PLACED.

23 5. UPON DETERMINING THAT ANY REGISTERED SEX OFFENDER RESIDES WITHIN A
24 PROVIDED AREA, THE SEX OFFENDER ALERT LINE SHALL ATTEMPT TO PLACE CALLS
25 TO ALL PERSONS WHO HAVE REQUESTED NOTIFICATION FOR SUCH AREAS EVERY TWO
26 HOURS DURING PERIODS BEGINNING AT 7:00 A.M. AND ENDING AT 9:00 P.M.
27 UNTIL THE OPERATOR HAS CONFIRMED THE IDENTITY OF THE PERSON REQUESTING
28 THE ALERT AND GIVEN THE ALERT TO SUCH PERSON, OR GIVEN THE ALERT TO AN
29 ANSWERING MACHINE, IF SO AUTHORIZED, WHICH GIVING OF THE ALERT TO AN
30 ANSWERING MACHINE MAY BE PERFORMED BY AN AUTOMATED PROCESS. CALLS SHALL
31 NOT BE MADE BETWEEN THE HOURS OF 3:00 P.M. TO 6:00 P.M. (THE BREAK PERI-
32 OD, TO PREVENT CHILDREN FROM RECEIVING SUCH CALLS) IF SO SPECIFIED BY
33 THE MEMBER OF THE PUBLIC. THE NOTIFICATION SHALL BE CAPABLE OF BEING
34 LEFT ON A TELEPHONE ANSWERING MACHINE.

35 6. IN ADDITION, THE DIVISION SHALL OFFER THE SERVICE OF THE SEX OFFEN-
36 DER ALERT LINE ON THE DIVISION'S HOMEPAGE ON THE INTERNET. WHEN THE
37 INTERNET OPTION IS USED, THE SAME SERVICE, FREE OF CHARGE, SHALL BE
38 OFFERED, SUBJECT TO THE FOLLOWING MODIFICATIONS:

39 (A) ADDITIONAL INFORMATION NOT REQUIRED TO BE PROVIDED OVER THE TELE-
40 PHONE PURSUANT TO SUBDIVISION TWO OF THIS SECTION MAY BE PROVIDED VIA
41 THE INTERNET;

42 (B) THE PREAMBLE INFORMATION REQUIRED BY SUBDIVISION THREE OF THIS
43 SECTION SHALL STATE THAT THE INTERNET USER MUST FURNISH AN E-MAIL
44 ADDRESS, WHICH WILL BE RECORDED, AND MAY OPTIONALLY FURNISH A TELEPHONE
45 NUMBER, WHICH WILL ALSO BE RECORDED;

46 (C) THE INTERNET USER SHALL BE AFFORDED THE OPTION OF RECEIVING NOTICE
47 BY TELEPHONE ALONE AS PROVIDED FOR IN THIS SECTION, BY E-MAIL ALONE, OR
48 BY BOTH TELEPHONE AND E-MAIL;

49 (D) WHEN E-MAIL NOTIFICATION IS AUTHORIZED, SUCH NOTICE SHALL BE SENT
50 AT THE SAME TIME AS A TELEPHONE CALL WOULD BE PLACED OR IS BEING PLACED
51 IN ADDITION TO THE E-MAIL NOTIFICATION; AND

52 (E) E-MAIL NOTIFICATION MAY BE MADE BY AN AUTOMATED PROCESS.

53 7. INFORMATION PROVIDED BY A PERSON REQUESTING SEX OFFENDER ALERT
54 NOTIFICATION SHALL NOT BE USED OR DIVULGED TO ANYONE EXCEPT AS NECESSARY
55 TO CARRY OUT THE PROVISIONS OF THIS SECTION OR FOR LAW ENFORCEMENT
56 PURPOSES.

1 8. IN NO CASE SHALL THE STATE BE HELD LIABLE FOR FAILURE TO PROVIDE
2 ANY NOTIFICATION REQUIRED BY THIS SECTION.

3 S 2. This act shall take effect on the one hundred eightieth day after
4 it shall have become a law; provided that the division of criminal
5 justice services is authorized to promulgate any and all rules and regu-
6 lations and take any other measures necessary to implement this act on
7 its effective date on or before such date.