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

4743

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 failure to register as a sex offender

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. 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. 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. WHEN AN OFFENDER IS DETERMINED UNDER THIS SECTION TO HAVE FAILED TO REGISTER OR VERIFY, THE PERIOD OF TIME THE OFFENDER FAILED TO REGISTER OR VERIFY SHALL BE ADDED TO THE DURATION SUCH OFFENDER IS REQUIRED TO REGISTER PURSUANT TO SECTION ONE HUNDRED SIXTY-EIGHT-H OF THIS ARTICLE. IN SUCH EVENT, EXCEPT WHEN LIFETIME REGISTRATION IS REQUIRED, THE DIVISION SHALL NOTIFY THE OFFENDER OF THE ADDITIONAL REGISTRATION REQUIREMENT.

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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