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I N   S E N A T E

April 8, 2010

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

AN ACT to amend the election law, in relation to authorizing registration records of victims of sexual violence to be kept confidential in certain cases

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

1     Section 1. The election law is amended by adding a new section 5-510  
2     to read as follows:  
3     S 5-510. CONFIDENTIALITY OF REGISTRATION RECORDS FOR VICTIMS OF SEXUAL  
4     VIOLENCE. 1. FOR PURPOSES OF THIS SECTION VICTIM OF SEXUAL VIOLENCE  
5     MEANS AN INDIVIDUAL AGAINST WHOM ANY OF THE FOLLOWING SEXUAL OFFENSES  
6     HAS BEEN COMMITTED:  
7        (A) SEXUAL MISCONDUCT, AS DEFINED IN SECTION 130.20 OF THE PENAL LAW;  
8        (B) RAPE IN THE THIRD DEGREE, AS DEFINED IN SECTION 130.25 OF THE  
9     PENAL LAW;  
10      (C) RAPE IN THE SECOND DEGREE, AS DEFINED IN SECTION 130.30 OF THE  
11     PENAL LAW;  
12      (D) RAPE IN THE FIRST DEGREE, AS DEFINED IN SECTION 130.35 OF THE  
13     PENAL LAW;  
14      (E) CRIMINAL SEXUAL ACT IN THE THIRD DEGREE, AS DEFINED IN SECTION  
15     130.40 OF THE PENAL LAW;  
16      (F) CRIMINAL SEXUAL ACT IN THE SECOND DEGREE, AS DEFINED IN SECTION  
17     130.45 OF THE PENAL LAW;  
18      (G) CRIMINAL SEXUAL ACT IN THE FIRST DEGREE, AS DEFINED IN SECTION  
19     130.50 OF THE PENAL LAW;  
20      (H) FORCIBLE TOUCHING, AS DEFINED IN SECTION 130.52 OF THE PENAL LAW;  
21      (I) PERSISTENT SEXUAL ABUSE, AS DEFINED IN SECTION 130.53 OF THE PENAL  
22     LAW;  
23      (J) SEXUAL ABUSE IN THE THIRD DEGREE, AS DEFINED IN SECTION 130.55 OF  
24     THE PENAL LAW;  
25      (K) SEXUAL ABUSE IN THE SECOND DEGREE, AS DEFINED IN SECTION 130.60 OF  
26     THE PENAL LAW;

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

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1 (L) SEXUAL ABUSE IN THE FIRST DEGREE, AS DEFINED IN SECTION 130.65 OF  
2 THE PENAL LAW;

3 (M) AGGRAVATED SEXUAL ABUSE IN THE FOURTH DEGREE, AS DEFINED IN  
4 SECTION 130.65-A OF THE PENAL LAW;

5 (N) AGGRAVATED SEXUAL ABUSE IN THE THIRD DEGREE, AS DEFINED IN SECTION  
6 130.66 OF THE PENAL LAW;

7 (O) AGGRAVATED SEXUAL ABUSE IN THE SECOND DEGREE, AS DEFINED IN  
8 SECTION 130.67 OF THE PENAL LAW;

9 (P) AGGRAVATED SEXUAL ABUSE IN THE FIRST DEGREE, AS DEFINED IN SECTION  
10 130.70 OF THE PENAL LAW;

11 (Q) FEMALE GENITAL MUTILATION, AS DEFINED IN SECTION 130.85 OF THE  
12 PENAL LAW;

13 (R) FACILITATING A SEX OFFENSE WITH A CONTROLLED SUBSTANCE, AS DEFINED  
14 IN SECTION 130.90 OF THE PENAL LAW;

15 (S) SEXUALLY MOTIVATED FELONY, AS DEFINED IN SECTION 130.91 OF THE  
16 PENAL LAW;

17 (T) PREDATORY SEXUAL ASSAULT, AS DEFINED IN SECTION 130.95 OF THE  
18 PENAL LAW.

19 2. UPON APPLICATION MADE TO THE SUPREME COURT, IN THE COUNTY WHEREIN A  
20 VICTIM OF SEXUAL VIOLENCE IS REGISTERED PURSUANT TO THIS ARTICLE, THE  
21 COURT MAY ISSUE AN ORDER REQUIRING THAT ANY REGISTRATION RECORD KEPT OR  
22 MAINTAINED IN ACCORDANCE WITH THIS ARTICLE WITH RESPECT TO SUCH AN INDI-  
23 VIDUAL BE KEPT SEPARATE AND APART FROM OTHER REGISTRATION RECORDS AND  
24 NOT BE MADE AVAILABLE FOR INSPECTION OR COPYING BY THE PUBLIC OR ANY  
25 OTHER PERSON, EXCEPT ELECTION OFFICIALS ACTING WITHIN THE COURSE AND  
26 SCOPE OF THEIR OFFICIAL DUTIES AND ONLY AS PERTINENT AND NECESSARY IN  
27 CONNECTION THEREWITH.

28 S 2. This act shall take effect immediately.