

2009-2010 Regular Sessions

I N S E N A T E

January 22, 2009

Introduced by Sen. KRUGER -- 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 informing members of the community with regard to the presence of a convicted sex offender within their community

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

1 Section 1. Paragraphs (a), (b) and (c) of subdivision 6 of section
2 168-1 of the correction law, paragraphs (a) and (b) as amended by chap-
3 ter 106 of the laws of 2006 and paragraph (c) as separately amended by
4 chapters 318 and 680 of the laws of 2005, are amended to read as
5 follows:

6 (a) If the risk of repeat offense is low, a level one designation
7 shall be given to such sex offender. In such case the law enforcement
8 agency or agencies having jurisdiction and the law enforcement agency or
9 agencies having had jurisdiction at the time of his or her conviction
10 shall be notified and may disseminate relevant information which may
11 include a photograph and description of the offender and which may
12 include the name of the sex offender, approximate address based on sex
13 offender's zip code, background information including the offender's
14 crime of conviction, modus of operation, type of victim targeted, the
15 name and address of any institution of higher education at which the sex
16 offender is enrolled, attends, is employed or resides and the
17 description of special conditions imposed on the offender to any entity
18 with vulnerable populations related to the nature of the offense commit-
19 ted by such sex offender. Any entity receiving information on a sex
20 offender may disclose or further disseminate such information at its
21 discretion.

22 SUCH LAW ENFORCEMENT AGENCIES SHALL COMPILE, MAINTAIN AND UPDATE A
23 LISTING OF VULNERABLE ORGANIZATIONAL ENTITIES WITHIN ITS JURISDICTION.

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

LBD06556-01-9

1 SUCH LISTING SHALL BE UTILIZED FOR NOTIFICATION OF SUCH ORGANIZATIONS IN
2 DISSEMINATING SUCH INFORMATION ON LEVEL ONE SEX OFFENDERS, WITHIN
3 FORTY-EIGHT HOURS, PURSUANT TO THIS PARAGRAPH. SUCH LISTING SHALL
4 INCLUDE AND NOT BE LIMITED TO: SUPERINTENDENTS OF SCHOOLS OR CHIEF
5 SCHOOL ADMINISTRATORS, SUPERINTENDENTS OF PARKS, PUBLIC AND PRIVATE
6 LIBRARIES, PUBLIC AND PRIVATE SCHOOL BUS TRANSPORTATION COMPANIES, DAY
7 CARE CENTERS, NURSERY SCHOOLS, PRE-SCHOOLS, NEIGHBORHOOD WATCH GROUPS,
8 COMMUNITY CENTERS, CIVIC ASSOCIATIONS, NURSING HOMES, VICTIM'S ADVOCACY
9 GROUPS AND PLACES OF WORSHIP.

10 (b) If the risk of repeat offense is moderate, a level two designation
11 shall be given to such sex offender. In such 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 exact name and any aliases used by the sex offender, approx-
17 imate address based on sex offender's zip code, background information
18 including the offender's crime of conviction, mode of operation, type of
19 victim targeted, the name and address of any institution of higher
20 education at which the sex offender is enrolled, attends, is employed or
21 resides and the description of special conditions imposed on the offen-
22 der to any entity with vulnerable populations related to the nature of
23 the offense committed by such sex offender. Any entity receiving infor-
24 mation on a sex offender may disclose or further disseminate such infor-
25 mation at its discretion. In addition, in such case, the information
26 described herein shall also be provided in the subdirectory established
27 in this article and notwithstanding any other provision of law, such
28 information shall, upon request, be made available to the public.

29 Such law enforcement agencies shall compile, maintain and update a
30 listing of vulnerable organizational entities within its jurisdiction.
31 Such listing shall be utilized for notification of such organizations in
32 disseminating such information on level two sex offenders, WITHIN
33 FORTY-EIGHT HOURS, pursuant to this paragraph. Such listing shall
34 include and not be limited to: superintendents of schools or chief
35 school administrators, superintendents of parks, public and private
36 libraries, public and private school bus transportation companies, day
37 care centers, nursery schools, pre-schools, neighborhood watch groups,
38 community centers, civic associations, nursing homes, victim's advocacy
39 groups and places of worship.

40 (c) If the risk of repeat offense is high and there exists a threat to
41 the public safety a level three designation shall be given to such sex
42 offender. In such case, the law enforcement agency or agencies having
43 jurisdiction and the law enforcement agency or agencies having had
44 jurisdiction at the time of his or her conviction shall be notified and
45 may disseminate relevant information which shall include a photograph
46 and description of the offender and which may include the sex offender's
47 exact name and any aliases used by the offender, exact address, address
48 of the offender's place of employment, background information including
49 the offender's crime of conviction, mode of operation, type of victim
50 targeted, the name and address of any institution of higher education at
51 which the sex offender is enrolled, attends, is employed or resides and
52 the description of special conditions imposed on the offender to any
53 entity with vulnerable populations related to the nature of the offense
54 committed by such sex offender. Any entity receiving information on a
55 sex offender may disclose or further disseminate such information at its
56 discretion. In addition, in such case, the information described herein

1 shall also be provided in the subdirectory established in this article
2 and notwithstanding any other provision of law, such information shall,
3 upon request, be made available to the public.

4 Such law enforcement agencies shall compile, maintain and update a
5 listing of vulnerable organizational entities within its jurisdiction.
6 Such listing shall be utilized for notification of such organizations in
7 disseminating such information on level three sex offenders, WITHIN
8 FORTY-EIGHT HOURS, pursuant to this paragraph. Such listing shall
9 include and not be limited to: superintendents of schools or chief
10 school administrators, superintendents of parks, public and private
11 libraries, public and private school bus transportation companies, day
12 care centers, nursery schools, pre-schools, neighborhood watch groups,
13 community centers, civic associations, nursing homes, victim's advocacy
14 groups and places of worship.

15 S 2. This act shall take effect on the first of November next succeed-
16 ing the date upon which it shall have become a law; provided, however,
17 that effective immediately, the addition, amendment and/or repeal of any
18 rule or regulation necessary for the implementation of this act on its
19 effective date are authorized and directed to be made and completed on
20 or before such effective date.