

1521

2011-2012 Regular Sessions

I N A S S E M B L Y

January 10, 2011

Introduced by M. of A. TEDISCO -- Multi-Sponsored by -- M. of A. AMEDORE, BARCLAY, BURLING, CONTE, CROUCH, DUPREY, FINCH, HAWLEY, KOLB, McKEVITT, J. MILLER, MOLINARO, OAKS, RAIA, REILICH, SAYWARD, SPANO, THIELE -- read once and referred to the Committee on Transportation

AN ACT to amend the vehicle and traffic law and the correction law, in relation to requiring the department of motor vehicles to provide certain information on level three sex offenders to police officers and peace officers making an inquiry relating to a driver's license, non-driver identification card or motor vehicle registration

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

1 Section 1. Section 201 of the vehicle and traffic law is amended by
2 adding a new subdivision 8 to read as follows:
3 8. THE COMMISSIONER SHALL MAINTAIN AND UPDATE, IN A TIMELY MANNER, ALL
4 INFORMATION PROVIDED TO THE DEPARTMENT BY THE COMMISSIONER OF CRIMINAL
5 JUSTICE SERVICES ON LEVEL THREE SEX OFFENDERS PURSUANT TO PARAGRAPH (C)
6 OF SUBDIVISION SIX OF SECTION ONE HUNDRED SIXTY-EIGHT-L OF THE
7 CORRECTION LAW. UPON RECEIPT OF ANY INQUIRY, IN WRITTEN OR ELECTRONIC
8 FORM, FROM A POLICE OFFICER OR PEACE OFFICER RELATING TO THE DRIVER'S
9 LICENSE OR NON-DRIVER IDENTIFICATION CARD OF ANY PERSON WHO IS A LEVEL
10 THREE SEX OFFENDER PURSUANT TO ARTICLE SIX-C OF THE CORRECTION LAW, THE
11 DEPARTMENT SHALL PROVIDE TO THE POLICE OFFICER OR PEACE OFFICER ALL
12 INFORMATION RECEIVED BY THE DEPARTMENT FROM THE COMMISSIONER OF CRIMINAL
13 JUSTICE SERVICES WITH REGARD TO SUCH SEX OFFENDER.
14 S 2. Paragraph (c) of subdivision 6 of section 168-1 of the correction
15 law, as separately amended by chapters 318 and 680 of the laws of 2005,
16 is amended to read as follows:
17 (c) If the risk of repeat offense is high and there exists a threat to
18 the public safety a level three designation shall be given to such sex
19 offender. In such case, the law enforcement agency or agencies having
20 jurisdiction and the law enforcement agency or agencies having had

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

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1 jurisdiction at the time of his or her conviction AND THE DEPARTMENT OF
2 MOTOR VEHICLES shall be notified and may disseminate relevant informa-
3 tion which shall include a photograph and description of the offender
4 and which may include the sex offender's exact name and any aliases used
5 by the offender, exact address, address of the offender's place of
6 employment, background information including the offender's crime of
7 conviction, mode of operation, type of victim targeted, the name and
8 address of any institution of higher education at which the sex offender
9 is enrolled, attends, is employed or resides and the description of
10 special conditions imposed on the offender to any entity with vulnerable
11 populations related to the nature of the offense committed by such sex
12 offender. Any entity receiving information on a sex offender may
13 disclose or further disseminate such information at its discretion. In
14 addition, in such case, the information described herein shall also be
15 provided in the subdirectory established in this article and notwith-
16 standing any other provision of law, such information shall, upon
17 request, be made available to the public.

18 Such law enforcement agencies shall compile, maintain and update a
19 listing of vulnerable organizational entities within its jurisdiction.
20 Such listing shall be utilized for notification of such organizations in
21 disseminating such information on level three sex offenders pursuant to
22 this paragraph. Such listing shall include and not be limited to:
23 superintendents of schools or chief school administrators, superinten-
24 dents of parks, public and private libraries, public and private school
25 bus transportation companies, day care centers, nursery schools, pre-
26 schools, neighborhood watch groups, community centers, civic associ-
27 ations, nursing homes, victim's advocacy groups and places of worship.

28 S 3. This act shall take effect on the first of January next succeed-
29 ing the date on which it shall have become a law.