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

1572

2011-2012 Regular Sessions

I N A S S E M B L Y

January 10, 2011

Introduced by M. of A. TEDISCO, KOLB, McDONOUGH, RAIA, MOLINARO -- Multi-Sponsored by -- M. of A. BARCLAY, BOYLE, BURLING, BUTLER, CALHOUN, CONTE, CROUCH, FINCH, FITZPATRICK, GIGLIO, HAWLEY, HAYES, McKEVITT, J. MILLER, OAKS, RABBITT, REILICH, SALADINO, SAYWARD, THIELE, TOBACCO -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to information disseminated on level two sex offenders; and to amend the social services law, in relation to child abuse notification liability

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

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

(b) If the risk of repeat offense is moderate, a level two designation shall be given to such sex offender. In such case the law enforcement agency or agencies having jurisdiction and the law enforcement agency or agencies having had jurisdiction at the time of his or her conviction shall be notified and [may] SHALL disseminate relevant information which shall include a photograph and description of the offender and which [may] SHALL include the exact name and any aliases used by the sex offender, approximate address based on sex offender's zip code, background information including the offender's crime of conviction, mode of operation, type of victim targeted, the name and address of any institution of higher education at which the sex offender is enrolled, attends, is employed or resides and the description of special conditions imposed on the offender to any entity with vulnerable populations related to the nature of the offense committed by such sex offender. Any entity receiving information on a sex offender may disclose or further disseminate such information at its discretion. In addition, in such case, the

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

LBD01355-01-1

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

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

(c) If the risk of repeat offense is high and there exists a threat to the public safety a level three designation shall be given to such sex offender. In such case, the law enforcement agency or agencies having jurisdiction and the law enforcement agency or agencies having had jurisdiction at the time of his or her conviction shall be notified and [may] SHALL disseminate relevant information which shall include a photograph and description of the offender and which [may] SHALL include the sex offender's exact name and any aliases used by the offender, exact address, address of the offender's place of employment, background information including the offender's crime of conviction, mode of operation, type of victim targeted, the name and address of any institution of higher education at which the sex offender is enrolled, attends, is employed or resides and the description of special conditions imposed on the offender to any entity with vulnerable populations related to the nature of the offense committed by such sex offender. Any entity receiving information on a sex offender may disclose or further disseminate such information at its discretion. In addition, in such case, the information described herein shall also be provided in the subdirectory established in this article and notwithstanding any other provision of law, such information shall, upon request, be made available to the public.

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

S 2. The social services law is amended by adding a new section 419-a to read as follows:

S 419-A. IMMUNITY FROM LIABILITY. ANY TEACHER, OFFICIAL OR EDUCATIONAL INSTITUTION WHO, IN GOOD FAITH, FAILS TO NOTIFY A PARENT, GUARDIAN OR OTHER PERSON LEGALLY RESPONSIBLE FOR A CHILD, THAT SUCH CHILD IS BEING QUESTIONED ON SCHOOL PROPERTY BY LAW ENFORCEMENT REGARDING ALLEGATIONS OF CHILD ABUSE ALLEGEDLY PERPETRATED BY THAT CHILD'S PARENT, GUARDIAN OR OTHER PERSON LEGALLY RESPONSIBLE FOR A CHILD, IS IMMUNE FROM CIVIL OR CRIMINAL LIABILITY FOR FAILING TO NOTIFY THE PARENT, GUARDIAN OR OTHER PERSON LEGALLY RESPONSIBLE FOR A CHILD, OF THE QUESTIONING. IN ORDER TO QUALIFY FOR THIS IMMUNITY, THE EMPLOYEE, OFFICIAL OR EDUCA-

TIONAL INSTITUTION MUST HAVE A REASONABLE BELIEF THAT THE PARENT, GUARDIAN OR OTHER PERSON LEGALLY RESPONSIBLE FOR A CHILD, PERPETRATED THE ABUSE.

S 3. This act shall take effect on the first of September next succeeding the date on which it shall have become a law.