

1531--A

2011-2012 Regular Sessions

I N S E N A T E

January 10, 2011

Introduced by Sen. SKELOS -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- recommitted to the Committee on Crime Victims, Crime and Correction in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to the maintenance of information on sex offenders, registration and verification by sex offenders, the subdirectory of sex offenders, and the penalty for the failure of a sex offender to comply with verification and registration requirements

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

1 Section 1. Paragraphs (a) and (e) of subdivision 1 of section 168-b of
2 the correction law, paragraph (a) as amended by chapter 67 of the laws
3 of 2008 and paragraph (e) as amended by chapter 532 of the laws of 2011,
4 are amended and a new paragraph (e-1) is added to read as follows:
5 (a) The sex offender's name, all aliases used, SOCIAL SECURITY NUMBER,
6 date of birth, sex, race, height, weight, eye color, driver's license
7 number, LICENSE PLATE NUMBER AND DESCRIPTION OF ANY MOTOR VEHICLE OWNED
8 OR OPERATED BY THE SEX OFFENDER, home address and/or expected place of
9 domicile, any internet accounts with internet access providers belonging
10 to such offender and internet identifiers that such offender uses.
11 (e) [If the sex offender has been given a level two or three designation, such] THE offender's employment address and/or expected place of
12 employment.
13 (E-1) THE CRIMINAL HISTORY OF THE SEX OFFENDER, INCLUDING THE DATE OF
14 ALL ARRESTS AND CONVICTIONS; THE STATUS OF PAROLE, PROBATION OR RELEASE
15 UNDER SUPERVISION; REGISTRATION STATUS; THE EXISTENCE OF ANY OUTSTANDING
16

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

LBD06234-02-2

1 ARREST WARRANTS FOR THE SEX OFFENDER; AND A PHOTOCOPY OF THE SEX
2 OFFENDER'S DRIVER'S LICENSE OR GOVERNMENT ISSUED IDENTIFICATION CARD.

3 S 2. Subdivisions 1 and 2 of section 168-c of the correction law, as
4 amended by chapter 11 of the laws of 2002, are amended to read as
5 follows:

6 1. In the case of any sex offender, it shall be the duty of the
7 department, hospital or local correctional facility at least ten calen-
8 dar days prior to the release or discharge of any sex offender from a
9 correctional facility, hospital or local correctional facility to notify
10 the division of the contemplated release or discharge of such sex offen-
11 der, informing the division in writing on a form provided by the divi-
12 sion indicating the address at which he or she proposes to reside and
13 the name and address of any institution of higher education at which he
14 or she expects to be enrolled, attending or employed, whether for
15 compensation or not, and whether he or she resides in or will reside in
16 a facility owned or operated by such institution, AND THE SEX OFFENDER'S
17 EMPLOYMENT ADDRESS AND/OR EXPECTED PLACE OF EMPLOYMENT. If such sex
18 offender changes his or her place of residence while on parole, such
19 notification of the change of residence shall be sent by the sex
20 offender's parole officer within forty-eight hours to the division on a
21 form provided by the division. If such sex offender changes the status
22 of his or her enrollment, attendance, employment or residence at any
23 institution of higher education, OR EMPLOYMENT ADDRESS OR PLACE OF
24 EMPLOYMENT while on parole, such notification of the change of status
25 shall be sent by the sex offender's parole officer within forty-eight
26 hours to the division on a form provided by the division.

27 2. In the case of any sex offender on probation, it shall be the duty
28 of the sex offender's probation officer to notify the division within
29 forty-eight hours of the new place of residence on a form provided by
30 the division. If such sex offender changes the status of his or her
31 enrollment, attendance, employment or residence at any institution of
32 higher education, OR EMPLOYMENT ADDRESS OR PLACE OF EMPLOYMENT while on
33 probation, such notification of the change of status shall be sent by
34 the sex offender's probation officer within forty-eight hours to the
35 division on a form provided by the division.

36 S 3. Subdivision 2 of section 168-d of the correction law, as amended
37 by chapter 684 of the laws of 2005, is amended to read as follows:

38 2. Any sex offender, who is released on probation or discharged upon
39 payment of a fine, conditional discharge or unconditional discharge
40 shall, prior to such release or discharge, be informed of his or her
41 duty to register under this article by the court in which he or she was
42 convicted. At the time sentence is imposed, such sex offender shall
43 register with the division on a form prepared by the division. The court
44 shall require the sex offender to read and sign such form and to
45 complete the registration portion of such form. The court shall on such
46 form obtain the address where the sex offender expects to reside upon
47 his or her release, and the name and address of any institution of high-
48 er education he or she expects to be employed by, enrolled in, attending
49 or employed, whether for compensation or not, and whether he or she
50 expects to reside in a facility owned or operated by such an institu-
51 tion, AND THE SEX OFFENDER'S EMPLOYMENT ADDRESS AND/OR EXPECTED PLACE OF
52 EMPLOYMENT, and shall report such information to the division. The court
53 shall give one copy of the form to the sex offender and shall send two
54 copies to the division which shall forward the information to the law
55 enforcement agencies having jurisdiction. The court shall also notify
56 the district attorney and the sex offender of the date of the determi-

1 nation proceeding to be held pursuant to subdivision three of this
2 section, which shall be held at least forty-five days after such notice
3 is given. This notice shall include the following statement or a
4 substantially similar statement: "This proceeding is being held to
5 determine whether you will be classified as a level 3 offender (risk of
6 repeat offense is high), a level 2 offender (risk of repeat offense is
7 moderate), or a level 1 offender (risk of repeat offense is low), or
8 whether you will be designated as a sexual predator, a sexually violent
9 offender or a predicate sex offender, which will determine how long you
10 must register as a sex offender and how much information can be provided
11 to the public concerning your registration. If you fail to appear at
12 this proceeding, without sufficient excuse, it shall be held in your
13 absence. Failure to appear may result in a longer period of registration
14 or a higher level of community notification because you are not present
15 to offer evidence or contest evidence offered by the district attorney."
16 The court shall also advise the sex offender that he or she has a right
17 to a hearing prior to the court's determination, that he or she has the
18 right to be represented by counsel at the hearing and that counsel will
19 be appointed if he or she is financially unable to retain counsel. If
20 the sex offender applies for assignment of counsel to represent him or
21 her at the hearing and counsel was not previously assigned to represent
22 the sex offender in the underlying criminal action, the court shall
23 determine whether the offender is financially unable to retain counsel.
24 If such a finding is made, the court shall assign counsel to represent
25 the sex offender pursuant to article eighteen-B of the county law. Where
26 the court orders a sex offender released on probation, such order must
27 include a provision requiring that he or she comply with the require-
28 ments of this article. Where such sex offender violates such provision,
29 probation may be immediately revoked in the manner provided by article
30 four hundred ten of the criminal procedure law.

31 S. 4. Subdivision 1 of section 168-e of the correction law, as amended
32 by chapter 11 of the laws of 2002, is amended to read as follows:

33 1. Any sex offender, to be discharged, paroled, released to post-re-
34 lease supervision or released from any state or local correctional
35 facility, hospital or institution where he or she was confined or
36 committed, shall at least fifteen calendar days prior to discharge,
37 parole or release, be informed of his or her duty to register under this
38 article, by the facility in which he or she was confined or committed.
39 The facility shall require the sex offender to read and sign such form
40 as may be required by the division stating the duty to register and the
41 procedure for registration has been explained to him or her and to
42 complete the registration portion of such form. The facility shall
43 obtain on such form the address where the sex offender expects to reside
44 upon his or her discharge, parole or release and the name and address of
45 any institution of higher education he or she expects to be employed by,
46 enrolled in, attending or employed, whether for compensation or not, and
47 whether he or she expects to reside in a facility owned or operated by
48 such an institution, AND THE SEX OFFENDER'S EMPLOYMENT ADDRESS AND/OR
49 EXPECTED PLACE OF EMPLOYMENT, and shall report such information to the
50 division. The facility shall give one copy of the form to the sex offen-
51 der, retain one copy and shall send one copy to the division which shall
52 provide the information to the law enforcement agencies having jurisdic-
53 tion. The facility shall give the sex offender a form prepared by the
54 division, to register with the division at least fifteen calendar days
55 prior to release and such form shall be completed, signed by the sex

1 offender and sent to the division by the facility at least ten days
2 prior to the sex offender's release or discharge.

3 S 5. Subdivisions 2 and 4 of section 168-f of the correction law,
4 subdivision 2 as added by chapter 192 of the laws of 1995, paragraph
5 (b-1) of subdivision 2 as amended by chapter 532 of the laws of 2011,
6 paragraphs (b-2), (b-3) and (c-1) of subdivision 2 as added by section 2
7 of part 0 of chapter 56 of the laws of 2005, paragraph (c) of subdivi-
8 sion 2 as amended by chapter 453 of the laws of 1999 and subdivision 4
9 as amended by chapter 67 of the laws of 2008, are amended to read as
10 follows:

11 2. For a sex offender required to register under this article on each
12 anniversary of the sex offender's initial registration date during the
13 period in which he OR SHE is required to register under this section the
14 following applies:

15 (a) The sex offender shall mail the verification form to the division
16 within ten calendar days after receipt of the form.

17 (b) The verification form shall be signed by the sex offender, and
18 state that he OR SHE still resides at the address last reported to the
19 division[.

20 (b-1) If the sex offender has been given a level two or three desig-
21 nation, such offender shall sign the verification form, and state that
22 he or she] AND still is employed at the address last reported to the
23 division.

24 [(b-2)] (B-1) If the sex offender has been given a level three desig-
25 nation, he or she shall personally appear at the law enforcement agency
26 having jurisdiction within [twenty days of the first anniversary] THREE
27 MONTHS of the sex offender's initial registration and every [year] THREE
28 MONTHS thereafter during the period of registration for the purpose of
29 providing a current photograph of such offender. The law enforcement
30 agency having jurisdiction shall photograph the sex offender and shall
31 promptly forward a copy of such photograph to the division. For purposes
32 of this paragraph, if such sex offender is confined in a state or local
33 correctional facility, the local law enforcement agency having jurisdic-
34 tion shall be the warden, superintendent, sheriff or other person in
35 charge of the state or local correctional facility.

36 [(b-3)] (B-2) If the sex offender has been given a [level one or]
37 level two designation, he or she shall personally appear at the law
38 enforcement agency having jurisdiction within [twenty days of the third
39 anniversary] SIX MONTHS of the sex offender's initial registration and
40 every [three years] SIX MONTHS thereafter during the period of registra-
41 tion for the purpose of providing a current photograph of such offender.
42 The law enforcement agency having jurisdiction shall photograph the sex
43 offender and shall promptly forward a copy of such photograph to the
44 division. For purposes of this paragraph, if such sex offender is
45 confined in a state or local correctional facility, the local law
46 enforcement agency having jurisdiction shall be the warden, superinten-
47 dent, sheriff or other person in charge of the state or local correc-
48 tional facility.

49 (B-3) IF THE SEX OFFENDER HAS BEEN GIVEN A LEVEL ONE DESIGNATION, HE
50 OR SHE SHALL PERSONALLY APPEAR AT THE LAW ENFORCEMENT AGENCY HAVING
51 JURISDICTION WITHIN TWENTY DAYS OF THE FIRST ANNIVERSARY OF THE SEX
52 OFFENDER'S INITIAL REGISTRATION AND EVERY YEAR THEREAFTER DURING THE
53 PERIOD OF REGISTRATION FOR THE PURPOSE OF PROVIDING A CURRENT PHOTOGRAPH
54 OF SUCH OFFENDER. THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION SHALL
55 PHOTOGRAPH THE SEX OFFENDER AND SHALL PROMPTLY FORWARD A COPY OF SUCH
56 PHOTOGRAPH TO THE DIVISION. FOR THE PURPOSES OF THIS PARAGRAPH, IF SUCH

1 SEX OFFENDER IS CONFINED IN A STATE OR LOCAL CORRECTIONAL FACILITY, THE
2 LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION SHALL BE THE WARDEN,
3 SUPERINTENDENT, SHERIFF OR OTHER PERSON IN CHARGE OF THE STATE OR LOCAL
4 CORRECTIONAL FACILITY.

5 (c) If the sex offender fails to mail the signed verification form to
6 the division within ten calendar days after receipt of the form, he or
7 she shall be in violation of this section unless he proves that he or
8 she has not changed his or her residence address.

9 (c-1) If the sex offender, to whom a notice has been mailed at the
10 last reported address pursuant to paragraph [b] (B) of subdivision one
11 of section one hundred sixty-eight-b of this article, fails to
12 personally appear at the law enforcement agency having jurisdiction, as
13 provided in paragraph (B-1), (b-2) or (b-3) of this subdivision[, within
14 twenty days of the anniversary of the sex offender's initial registra-
15 tion], or an alternate later date scheduled by the law enforcement agen-
16 cy having jurisdiction, he or she shall be in violation of this section.
17 The duty to personally appear for such updated photograph shall be
18 temporarily suspended during any period in which the sex offender is
19 confined in any hospital or institution, and such sex offender shall
20 personally appear for such updated photograph no later than ninety days
21 after release from such hospital or institution, or an alternate later
22 date scheduled by the law enforcement agency having jurisdiction.

23 4. Any sex offender shall register with the division no later than
24 [ten calendar] THREE BUSINESS days after any change of NAME OR address,
25 internet accounts with internet access providers belonging to such
26 offender, internet identifiers that such offender uses, or his or her
27 status of enrollment, attendance, employment or residence at any insti-
28 tution of higher education. THE SEX OFFENDER SHALL ALSO PERSONALLY
29 APPEAR AT THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION WITHIN THREE
30 BUSINESS DAYS AFTER ANY CHANGE OF NAME OR ADDRESS OR ANY CHANGE OF HIS
31 OR HER STATUS OF ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY
32 INSTITUTION OF HIGHER EDUCATION AND PROVIDE SUCH INFORMATION TO THE LAW
33 ENFORCEMENT AGENCY HAVING JURISDICTION. A fee of ten dollars, as author-
34 ized by subdivision eight of section one hundred sixty-eight-b of this
35 article, shall be submitted by the sex offender each time such offender
36 registers any change of NAME OR address or any change of his or her
37 status of enrollment, attendance, employment or residence at any insti-
38 tution of higher education. Any failure or omission to submit the
39 required fee shall not affect the acceptance by the division of the
40 change of address or change of status.

41 S 6. Subdivisions 4 and 5 of section 168-j of the correction law, as
42 added by chapter 11 of the laws of 2002, are amended to read as follows:

43 4. Upon receipt of a change in the status of the enrollment, attend-
44 ance, employment or residence at an institution of higher education, OR
45 EMPLOYMENT ADDRESS OR PLACE OF EMPLOYMENT by a sex offender required to
46 register under this article, the division shall notify each law enforce-
47 ment agency having jurisdiction which is affected by such change.

48 5. Upon receipt of change in the status of the enrollment, attendance,
49 employment or residence at an institution of higher education, OR
50 EMPLOYMENT ADDRESS OR PLACE OF EMPLOYMENT by a sex offender required to
51 register under this article, each law enforcement agency having juris-
52 diction shall adhere to the notification provisions set forth in subdi-
53 vision six of section one hundred sixty-eight-l of this article.

54 S 7. Subdivision 2 of section 168-k of the correction law, as amended
55 by chapter 684 of the laws of 2005, is amended to read as follows:

1 2. The division shall advise the board that the sex offender has
2 established residence in this state. The board shall determine whether
3 the sex offender is required to register with the division. If it is
4 determined that the sex offender is required to register, the division
5 shall notify the sex offender of his or her duty to register under this
6 article and shall require the sex offender to sign a form as may be
7 required by the division acknowledging that the duty to register and the
8 procedure for registration has been explained to the sex offender. The
9 division shall obtain on such form the address where the sex offender
10 expects to reside within the state AND SUCH ADDITIONAL INFORMATION AS
11 THE DIVISION MAY REQUIRE, and the sex offender shall retain one copy of
12 the form and send two copies to the division which shall provide the
13 information to the law enforcement agency having jurisdiction where the
14 sex offender expects to reside within this state. No later than thirty
15 days prior to the board making a recommendation, the sex offender shall
16 be notified that his or her case is under review and that he or she is
17 permitted to submit to the board any information relevant to the review.
18 After reviewing any information obtained, and applying the guidelines
19 established in subdivision five of section one hundred sixty-eight-1 of
20 this article, the board shall within sixty calendar days make a recom-
21 mendation regarding the level of notification pursuant to subdivision
22 six of section one hundred sixty-eight-1 of this article and whether
23 such sex offender shall be designated a sexual predator, sexually
24 violent offender, or predicate sex offender as defined in subdivision
25 seven of section one hundred sixty-eight-a of this article. This recom-
26 mendation shall be confidential and shall not be available for public
27 inspection. It shall be submitted by the board to the county court or
28 supreme court and to the district attorney in the county of residence of
29 the sex offender and to the sex offender. It shall be the duty of the
30 county court or supreme court in the county of residence of the sex
31 offender, applying the guidelines established in subdivision five of
32 section one hundred sixty-eight-1 of this article, to determine the
33 level of notification pursuant to subdivision six of section one hundred
34 sixty-eight-1 of this article and whether such sex offender shall be
35 designated a sexual predator, sexually violent offender, or predicate
36 sex offender as defined in subdivision seven of section one hundred
37 sixty-eight-a of this article. At least thirty days prior to the deter-
38 mination proceeding, such court shall notify the district attorney and
39 the sex offender, in writing, of the date of the determination proceed-
40 ing and the court shall also provide the district attorney and sex
41 offender with a copy of the recommendation received from the board and
42 any statement of the reasons for the recommendation received from the
43 board. This notice shall include the following statement or a substan-
44 tially similar statement: "This proceeding is being held to determine
45 whether you will be classified as a level 3 offender (risk of repeat
46 offense is high), a level 2 offender (risk of repeat offense is moder-
47 ate), or a level 1 offender (risk of repeat offense is low), or whether
48 you will be designated as a sexual predator, a sexually violent offender
49 or a predicate sex offender, which will determine how long you must
50 register as a sex offender and how much information can be provided to
51 the public concerning your registration. If you fail to appear at this
52 proceeding, without sufficient excuse, it shall be held in your absence.
53 Failure to appear may result in a longer period of registration or a
54 higher level of community notification because you are not present to
55 offer evidence or contest evidence offered by the district attorney."
56 The court shall also advise the sex offender that he or she has a right

1 to a hearing prior to the court's determination, that he or she has the
2 right to be represented by counsel at the hearing and that counsel will
3 be appointed if he or she is financially unable to retain counsel. A
4 returnable form shall be enclosed in the court's notice to the sex
5 offender on which the sex offender may apply for assignment of counsel.
6 If the sex offender applies for assignment of counsel and the court
7 finds that the offender is financially unable to retain counsel, the
8 court shall assign counsel to represent the sex offender pursuant to
9 article eighteen-B of the county law. If the district attorney seeks a
10 determination that differs from the recommendation submitted by the
11 board, at least ten days prior to the determination proceeding the
12 district attorney shall provide to the court and the sex offender a
13 statement setting forth the determinations sought by the district attor-
14 ney together with the reasons for seeking such determinations. The court
15 shall allow the sex offender to appear and be heard. The state shall
16 appear by the district attorney, or his or her designee, who shall bear
17 the burden of proving the facts supporting the determinations sought by
18 clear and convincing evidence. It shall be the duty of the court apply-
19 ing the guidelines established in subdivision five of section one
20 hundred sixty-eight-1 of this article to determine the level of notifi-
21 cation pursuant to subdivision six of section one hundred sixty-eight-1
22 of this article and whether such sex offender shall be designated a
23 sexual predator, sexually violent offender, or predicate sex offender as
24 defined in subdivision seven of section one hundred sixty-eight-a of
25 this article. Where there is a dispute between the parties concerning
26 the determinations, the court shall adjourn the hearing as necessary to
27 permit the sex offender or the district attorney to obtain materials
28 relevant to the determinations from the state board of examiners of sex
29 offenders or any state or local facility, hospital, institution, office,
30 agency, department or division. Such materials may be obtained by
31 subpoena if not voluntarily provided to the requesting party. In making
32 the determinations the court shall review any victim's statement and any
33 relevant materials and evidence submitted by the sex offender and the
34 district attorney and the recommendation and any material submitted by
35 the board, and may consider reliable hearsay evidence submitted by
36 either party, provided that it is relevant to the determinations. If
37 available, facts proven at trial or elicited at the time of a plea of
38 guilty shall be deemed established by clear and convincing evidence and
39 shall not be relitigated. The court shall render an order setting forth
40 its determinations and the findings of fact and conclusions of law on
41 which the determinations are based. A copy of the order shall be submit-
42 ted by the court to the division. Upon application of either party, the
43 court shall seal any portion of the court file or record which contains
44 material that is confidential under any state or federal statute. Either
45 party may appeal as of right from the order pursuant to the provisions
46 of articles fifty-five, fifty-six and fifty-seven of the civil practice
47 law and rules. Where counsel has been assigned to represent the sex
48 offender upon the ground that the sex offender is financially unable to
49 retain counsel, that assignment shall be continued throughout the
50 pendency of the appeal, and the person may appeal as a poor person
51 pursuant to article eighteen-B of the county law.

52 S. 8. Paragraphs (a), (b) and (c) of subdivision 6 of section 168-1 of
53 the correction law, paragraph (a) as amended by chapter 106 of the laws
54 of 2006, paragraph (b) as amended by chapter 513 of the laws of 2011 and
55 paragraph (c) as separately amended by chapters 318 and 680 of the laws
56 of 2005, are amended to read as follows:

1 (a) If the risk of repeat offense is low, a level one designation
2 shall be given to such sex offender. In such case the law enforcement
3 agency or agencies having jurisdiction and the law enforcement agency or
4 agencies having had jurisdiction at the time of his or her conviction
5 shall be notified and may disseminate relevant information which may
6 include a photograph and description of the offender and which may
7 include the name of the sex offender, approximate address based on sex
8 offender's zip code, background information including the offender's
9 crime of conviction, modus of operation, type of victim targeted, the
10 name and address of any institution of higher education at which the sex
11 offender is enrolled, attends, is employed or resides and the
12 description of special conditions imposed on the offender to any entity
13 with vulnerable populations related to the nature of the offense commit-
14 ted by such sex offender. Any entity receiving information on a sex
15 offender may disclose or further disseminate such information at its
16 discretion. IN ADDITION, IN SUCH CASE, THE INFORMATION DESCRIBED IN
17 SECTION ONE HUNDRED SIXTY-EIGHT-Q OF THIS ARTICLE SHALL ALSO BE PROVIDED
18 IN THE SUBDIRECTORY ESTABLISHED IN THIS ARTICLE AND NOTWITHSTANDING ANY
19 OTHER PROVISION OF LAW, SUCH INFORMATION SHALL, UPON REQUEST, BE MADE
20 AVAILABLE TO THE PUBLIC.

21 (b) If the risk of repeat offense is moderate, a level two designation
22 shall be given to such sex offender. In such case the law enforcement
23 agency or agencies having jurisdiction and the law enforcement agency or
24 agencies having had jurisdiction at the time of his or her conviction
25 shall be notified and may disseminate relevant information which shall
26 include a photograph and description of the offender and which may
27 include the exact name and any aliases used by the sex offender, exact
28 address, background information including the offender's crime of
29 conviction, mode of operation, type of victim targeted, the name and
30 address of any institution of higher education at which the sex offender
31 is enrolled, attends, is employed or resides and the description of
32 special conditions imposed on the offender to any entity with vulnerable
33 populations related to the nature of the offense committed by such sex
34 offender. Any entity receiving information on a sex offender may
35 disclose or further disseminate such information at its discretion. In
36 addition, in such case, the information described [herein] IN SECTION
37 ONE HUNDRED SIXTY-EIGHT-Q OF THIS ARTICLE shall also be provided in the
38 subdirectory established in this article and notwithstanding any other
39 provision of law, such information shall, upon request, be made avail-
40 able to the public.

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

51 (c) If the risk of repeat offense is high and there exists a threat to
52 the public safety a level three designation shall be given to such sex
53 offender. In such case, the law enforcement agency or agencies having
54 jurisdiction and the law enforcement agency or agencies having had
55 jurisdiction at the time of his or her conviction shall be notified and
56 may disseminate relevant information which shall include a photograph

1 and description of the offender and which may include the sex offender's
2 exact name and any aliases used by the offender, exact address, address
3 of the offender's place of employment, background information including
4 the offender's crime of conviction, mode of operation, type of victim
5 targeted, the name and address of any institution of higher education at
6 which the sex offender is enrolled, attends, is employed or resides and
7 the description of special conditions imposed on the offender to any
8 entity with vulnerable populations related to the nature of the offense
9 committed by such sex offender. Any entity receiving information on a
10 sex offender may disclose or further disseminate such information at its
11 discretion. In addition, in such case, the information described [here-
12 in] IN SECTION ONE HUNDRED SIXTY-EIGHT-Q OF THIS ARTICLE shall also be
13 provided in the subdirectory established in this article and notwith-
14 standing any other provision of law, such information shall, upon
15 request, be made available to the public.

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

26 S 9. Subdivision 1 of section 168-q of the correction law, as amended
27 by chapter 532 of the laws of 2011, is amended to read as follows:

28 1. The division shall maintain a subdirectory of [level two and three]
29 sex offenders. The subdirectory shall include [the exact address,
30 address of the offender's place of employment and photograph of the sex
31 offender along with the following information, if available: name, phys-
32 ical description, age and distinctive markings. Background information
33 including the sex offender's crime of conviction, modus of operation,
34 type of victim targeted, the name and address of any institution of
35 higher education at which the sex offender is enrolled, attends, is
36 employed or resides and a description of special conditions imposed on
37 the sex offender shall also be included] ALL REGISTRATION INFORMATION
38 MAINTAINED BY THE DIVISION PURSUANT TO SECTION ONE HUNDRED SIXTY-EIGHT-B
39 OF THIS ARTICLE, PROVIDED THAT THE SUBDIRECTORY SHALL NOT INCLUDE THE
40 IDENTITY OF THE VICTIM OF A SEX OFFENSE, THE SOCIAL SECURITY NUMBER OF
41 THE SEX OFFENDER OR ANY REFERENCE TO ARRESTS OF THE SEX OFFENDER THAT
42 DID NOT RESULT IN A CONVICTION. The subdirectory shall have sex offen-
43 der listings categorized by county and zip code. Such subdirectory shall
44 be made available at all times on the internet via the division home-
45 page. Any person may apply to the division to receive automated e-mail
46 notifications whenever a new or updated subdirectory registration occurs
47 in a geographic area specified by such person. The division shall
48 furnish such service at no charge to such person, who shall request
49 e-mail notification by county and/or zip code on forms developed and
50 provided by the division. E-mail notification is limited to three
51 geographic areas per e-mail account.

52 S 10. Section 168-t of the correction law, as amended by chapter 373
53 of the laws of 2007, is amended to read as follows:

54 S 168-t. Penalty. Any sex offender required to register or to verify
55 pursuant to the provisions of this article who fails to register or
56 verify in the manner and within the time periods provided for in this

1 article [shall be guilty of a class E felony upon conviction for the
2 first offense, and upon conviction for a second or subsequent offense
3 shall be guilty of a class D felony. Any sex offender] OR who violates
4 the provisions of section one hundred sixty-eight-v of this article
5 shall be guilty of a class [A misdemeanor upon conviction for the first
6 offense, and upon conviction for a second or subsequent offense shall be
7 guilty of a class] D felony. Any such failure to register or verify may
8 also be the basis for revocation of parole pursuant to section two
9 hundred fifty-nine-i of the executive law or the basis for revocation of
10 probation pursuant to article four hundred ten of the criminal procedure
11 law.

12 S 11. This act shall take effect on the first of November next
13 succeeding the date on which it shall have become a law, and shall apply
14 to all sex offenders registered or required to register immediately
15 prior to the effective date of this act, and to all sex offenders
16 required to register on or after such effective date.