

1115

2011-2012 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 5, 2011

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Introduced by M. of A. ORTIZ, TOBACCO, SPANO, SCHROEDER, PHEFFER,  
BOYLAND -- Multi-Sponsored by -- M. of A. GALEF -- read once and  
referred to the Committee on Correction

AN ACT to amend the correction law, in relation to requiring sex offenders who repeatedly fail to register and verify to wear a location-transmitting device

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

1     Section 1. Section 168-t of the correction law, as amended by chapter  
2     373 of the laws of 2007, is amended to read as follows:  
3     S 168-t. Penalty. 1. Any sex offender required to register or to verify  
4     pursuant to the provisions of this article who fails to register or  
5     verify in the manner and within the time periods provided for in this  
6     article shall be guilty of a class E felony upon conviction for the  
7     first offense, and upon conviction for a second or subsequent offense  
8     shall be guilty of a class D felony. Any sex offender who violates the  
9     provisions of section one hundred sixty-eight-v of this article shall be  
10    guilty of a class A misdemeanor upon conviction for the first offense,  
11    and upon conviction for a second or subsequent offense shall be guilty  
12    of a class D felony. Any such failure to register or verify may also be  
13    the basis for revocation of parole pursuant to section two hundred  
14    fifty-nine-i of the executive law or the basis for revocation of  
15    probation pursuant to article four hundred ten of the criminal procedure  
16    law.  
17    2. (A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IN  
18    ADDITION TO ANY OTHER PENALTY PROVIDED IN THIS SECTION, ANY SEX OFFENDER  
19    FOUND GUILTY OF A VIOLATION OF THIS SECTION ON TWO OR MORE OCCASIONS  
20    SHALL, IF SENTENCED TO PROBATION, BE REQUIRED TO WEAR AT ALL TIMES FOR  
21    THE DURATION OF THE PERIOD OF PROBATION A LOCATION-TRANSMITTING DEVICE,  
22    AND, IF SENTENCED TO A PERIOD OF IMPRISONMENT, BE REQUIRED TO WEAR AT

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

LBD03650-01-1

1 ALL TIMES FOR THE DURATION OF ANY PERIOD OF PAROLE, CONDITIONAL RELEASE  
2 OR POST-RELEASE SUPERVISION A LOCATION-TRANSMITTING DEVICE.

3 (B) THE LOCATION-TRANSMITTING DEVICE SHALL BE ATTACHED TO THE SEX  
4 OFFENDER BY THE AGENCY SUPERVISING THE SEX OFFENDER AND SUCH AGENCY  
5 SHALL REGULARLY AND FREQUENTLY MONITOR THE INFORMATION TRANSMITTED BY  
6 THE LOCATION-TRANSMITTING DEVICE.

7 (C) ANY SEX OFFENDER WHO IS REQUIRED TO BE MONITORED PURSUANT TO THE  
8 PROVISIONS OF THIS SUBDIVISION WHO VIOLATES SUCH REQUIREMENT SHALL UPON  
9 CONVICTION BE GUILTY OF A CLASS D FELONY. SUCH VIOLATION MAY ALSO BE  
10 THE BASIS FOR REVOCATION OF PAROLE PURSUANT TO SECTION TWO HUNDRED  
11 FIFTY-NINE-I OF THE EXECUTIVE LAW OR THE BASIS FOR THE REVOCATION OF  
12 PROBATION PURSUANT TO ARTICLE FOUR HUNDRED TEN OF THE CRIMINAL PROCEDURE  
13 LAW.

14 S 2. This act shall take effect on the one hundred eightieth day after  
15 it shall have become a law, provided that any rules and regulations  
16 necessary to implement the provisions of subdivision 2 of section 168-t  
17 of the correction law, as added by section one of this act, on its  
18 effective date are authorized and directed to be completed on or before  
19 such date.