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

S. 1449--B A. 1402--B
Cal. No. 188

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

January 7, 2011

IN SENATE -- Introduced by Sens. LAVALLE, AVELLA -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- reported favorably from said committee, ordered to first report, amended on first report, ordered to a second report and ordered reprinted, retaining its place in the order of second report -- ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to required notification by school districts of sex offender residence; and to amend the education law, in relation to apportionment to school districts for certain expenses related to sex offender notification

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-l 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 disseminate relevant information which shall include a photograph and description of the offender and which may include the exact name and any aliases used by the sex offender, approximate address based on sex offender's zip code, background information

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

LBD03736-03-1

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, PROVIDED, HOWEVER, THAT SCHOOL DISTRICTS, UPON RECEIPT OF SUCH INFORMATION BY THE DISTRICT SUPERINTENDENT OR CHIEF SCHOOL ADMINISTRATOR, SHALL DISSEMINATE SUCH INFORMATION TO THE PERSON OR PERSONS IN PARENTAL RELATION, AS DEFINED IN SUBDIVISION TEN OF SECTION TWO OF THE EDUCATION LAW, OF EACH OF ITS STUDENTS WITHIN SUCH SCHOOL DISTRICT. In addition, in such case, the information described [herein] IN THIS SECTION 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 disseminate relevant information which shall include a photograph and description of the offender and which may 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, PROVIDED, HOWEVER, THAT SCHOOL DISTRICTS, UPON RECEIPT OF SUCH INFORMATION BY THE DISTRICT SUPERINTENDENT OR CHIEF SCHOOL ADMINISTRATOR, SHALL DISSEMINATE SUCH INFORMATION TO THE PERSON OR PERSONS IN PARENTAL RELATION, AS DEFINED IN SUBDIVISION TEN OF SECTION TWO OF THE EDUCATION LAW, OF EACH OF ITS STUDENTS WITHIN SUCH SCHOOL DISTRICT. 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 education law is amended by adding a new section 3605 to read as follows:

S 3605. APPORTIONMENT FOR CERTAIN MAILING EXPENSES. THE COMMISSIONER SHALL APPORTION FUNDS TO REIMBURSE SCHOOL DISTRICTS FOR MONIES EXPENDED IN THE MAILING OF NOTICES TO THE PERSON OR PERSONS IN PARENTAL RELATION, AS DEFINED IN SUBDIVISION TEN OF SECTION TWO OF THIS CHAPTER, OF EACH OF ITS STUDENTS REGARDING THE PRESENCE OF REGISTERED SEX OFFENDERS WITHIN SUCH SCHOOL DISTRICTS.

S 3. This act shall take effect on the first of July next succeeding the date on which it shall have become a law, and shall apply to expenses incurred by school districts after such effective date.