

2901--B

2011-2012 Regular Sessions

I N A S S E M B L Y

January 21, 2011

Introduced by M. of A. GABRYSZAK, GALEF, JAFFEE, HOYT, MILLMAN, CAHILL, HOOPER, ZEBROWSKI -- Multi-Sponsored by -- M. of A. ABBATE, AUBRY, BARCLAY, BRENNAN, BURLING, CALHOUN, CORWIN, CRESPO, CROUCH, DUPREY, GIGLIO, GUNTHER, HIKIND, JEFFRIES, KOLB, MAISEL, McENENY, MOLINARO, PHEFFER, REILLY, WEISENBERG -- read once and referred to the Committee on Election Law -- 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 election law, in relation to authorizing registration records of victims of sexual violence to be kept confidential in certain cases

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

1 Section 1. Subdivision 1 of section 5-508 of the election law is
2 amended by adding a new paragraph (c) to read as follows:
3 (C) "VICTIM OF SEXUAL VIOLENCE" MEANS ANY PERSON WHO IS A VICTIM OF
4 ANY OFFENSE UNDER ARTICLE ONE HUNDRED THIRTY OF THE PENAL LAW.
5 S 2. Subdivision 2 of section 5-508 of the election law, as added by
6 chapter 73 of the laws of 2010, is amended and a new subdivision 3 is
7 added to read as follows:
8 2. Upon application made to the [supreme court] DISTRICT ATTORNEY, in
9 the county wherein a victim of domestic violence is registered pursuant
10 to this article, [the court] SUCH DISTRICT ATTORNEY may issue an order
11 requiring that any registration record kept or maintained in accordance
12 with this article with respect to such an individual be kept separate
13 and apart from other registration records and not be made available for
14 inspection or copying by the public or any other person, except election
15 officials acting within the course and scope of their official duties
16 and only as pertinent and necessary in connection therewith.

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

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1 3. UPON APPLICATION MADE TO THE DISTRICT ATTORNEY, IN THE COUNTY WHERE-
2 IN A VICTIM OF SEXUAL VIOLENCE IS REGISTERED PURSUANT TO THIS ARTICLE,
3 SUCH DISTRICT ATTORNEY MAY ISSUE AN ORDER REQUIRING THAT ANY REGISTRA-
4 TION RECORD KEPT OR MAINTAINED IN ACCORDANCE WITH THIS ARTICLE WITH
5 RESPECT TO SUCH AN INDIVIDUAL BE KEPT SEPARATE AND APART FROM OTHER
6 REGISTRATION RECORDS AND NOT BE MADE AVAILABLE FOR INSPECTION OR COPYING
7 BY THE PUBLIC OR ANY OTHER PERSON, EXCEPT ELECTION OFFICIALS ACTING
8 WITHIN THE COURSE AND SCOPE OF THEIR OFFICIAL DUTIES AND ONLY AS PERTI-
9 NENT AND NECESSARY IN CONNECTION THEREWITH.

10 S 3. This act shall take effect on the one hundred twentieth day after
11 it shall have become a law. Effective immediately, the addition, amend-
12 ment and/or repeal of any rule or regulation necessary for the implemen-
13 tation of this act on its effective date is authorized to be made on or
14 before such date.