

3581

2011-2012 Regular Sessions

I N A S S E M B L Y

January 26, 2011

Introduced by M. of A. AUBRY -- Multi-Sponsored by -- M. of A. COOK,
GALEF, MAGEE, PHEFFER -- read once and referred to the Committee on
Correction

AN ACT to amend the social services law, in relation to sex offender
registry checks for youth organization volunteers

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

1 Section 1. The social services law is amended by adding a new section
2 378-b to read as follows:

3 S 378-B. SEX OFFENDER REGISTRY CHECKS FOR YOUTH ORGANIZATION VOLUN-
4 TEERS. 1. AS USED IN THIS SECTION:

5 (A) "YOUTH ORGANIZATION" MEANS ANY PUBLIC OR PRIVATE AGENCY, ORGAN-
6 IZATION, ASSOCIATION OR GROUP ORGANIZED AND FUNCTIONING, IN WHOLE OR IN
7 PART, FOR THE PURPOSE OF PROVIDING YOUTH WITH THE OPPORTUNITY TO
8 PARTICIPATE IN SUPERVISED ACTIVITIES, INCLUDING BUT NOT LIMITED TO
9 SPORTING, RECREATIONAL, EDUCATIONAL OR RELIGIOUS ACTIVITIES. AS USED
10 HEREIN, "YOUTH ORGANIZATION" SHALL INCLUDE ONLY THOSE ORGANIZATIONS THAT
11 USE VOLUNTEERS TO SUPERVISE YOUTH AND EXCLUDE INSTITUTIONS WHICH ARE
12 SANCTIONED BY THE STATE EDUCATION DEPARTMENT TO PROVIDE EDUCATIONAL
13 INSTRUCTION TO YOUTH.

14 (B) "YOUTH" MEANS A PERSON UNDER THE AGE OF EIGHTEEN.

15 2. (A) BEFORE ANY PERSON IS PERMITTED TO VOLUNTEER HIS OR HER SERVICES
16 WITH A YOUTH ORGANIZATION WHERE SUCH PERSON IS EXPECTED TO HAVE DIRECT
17 CONTACT WITH YOUTH, SUCH YOUTH ORGANIZATION MUST, BY USE OF THE SPECIAL
18 TELEPHONE NUMBER DESCRIBED IN SECTION ONE HUNDRED SIXTY-EIGHT-P OF THE
19 CORRECTION LAW, REQUEST THAT AN INQUIRY BE MADE OF THE STATEWIDE SEX
20 OFFENDER REGISTRY OPERATED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES
21 TO DETERMINE WHETHER THE PROSPECTIVE VOLUNTEER IS LISTED IN THE REGISTRY
22 AS A PERSON WHO MUST REGISTER AS A SEX OFFENDER OR A SEXUALLY VIOLENT
23 PREDATOR UNDER ARTICLE SIX-C OF THE CORRECTION LAW.

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

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1 (B) NO LATER THAN JANUARY FIRST, TWO THOUSAND TWELVE, YOUTH ORGANIZA-
2 TIONS SHALL CAUSE TO BE CONDUCTED THE STATEWIDE SEX OFFENDER REGISTRY
3 INQUIRY DESCRIBED IN PARAGRAPH (A) OF THIS SUBDIVISION FOR ALL ACTIVE
4 VOLUNTEERS OF SUCH ORGANIZATION WHERE SUCH VOLUNTEER HAS DIRECT CONTACT
5 WITH YOUTH. ANY SUBSEQUENT STATEWIDE SEX OFFENDER REGISTRY INQUIRIES
6 INITIATED BY SUCH YOUTH ORGANIZATION SHALL BE MADE AT THE DISCRETION OF
7 THE YOUTH ORGANIZATION.

8 3. A YOUTH ORGANIZATION, PRIOR TO INITIATING THE STATEWIDE SEX OFFEN-
9 DER REGISTRY INQUIRY DESCRIBED IN PARAGRAPHS (A) AND (B) OF SUBDIVISION
10 TWO OF THIS SECTION, SHALL INFORM THE VOLUNTEER OR PERSON SEEKING TO
11 VOLUNTEER HIS OR HER SERVICES THAT SUCH INQUIRY WILL BE PERFORMED. THE
12 YOUTH ORGANIZATION SHALL PROVIDE THE VOLUNTEER OR PROSPECTIVE VOLUNTEER
13 THE OPPORTUNITY TO CEASE SUCH VOLUNTEER SERVICES BEFORE SUCH INQUIRY IS
14 INITIATED.

15 4. A YOUTH ORGANIZATION IS PROHIBITED FROM PERMITTING ANY PERSON
16 DETERMINED TO BE LISTED IN THE STATEWIDE SEX OFFENDER REGISTRY PURSUANT
17 TO PARAGRAPHS (A) AND (B) OF SUBDIVISION TWO OF THIS SECTION TO VOLUN-
18 TEER HIS OR HER SERVICES WITH SUCH ORGANIZATION WHERE SUCH PERSON HAS OR
19 IS EXPECTED TO HAVE DIRECT CONTACT WITH YOUTH.

20 5. THE PROVISIONS OF ARTICLE SIX-C OF THE CORRECTION LAW WHICH
21 RESTRICT THE USE AND DISSEMINATION OF INFORMATION OBTAINED FROM THE
22 STATEWIDE SEX OFFENDER REGISTRY SHALL APPLY TO YOUTH ORGANIZATIONS.

23 6. A WILLFUL VIOLATION OF ANY OF THE PROVISIONS OF THIS SECTION SHALL
24 SUBJECT SUCH ORGANIZATION TO A CIVIL PENALTY OF NOT MORE THAN ONE
25 HUNDRED DOLLARS PROVIDED, HOWEVER, THAT FOR A SECOND OR SUBSEQUENT
26 VIOLATION THE COMMISSIONER OF THE OFFICE OF CHILDREN AND FAMILY SERVICES
27 MAY IMPOSE A CIVIL PENALTY OF NOT MORE THAN TWO HUNDRED DOLLARS.

28 S 2. This act shall take effect immediately.