

4639

2011-2012 Regular Sessions

I N A S S E M B L Y

February 4, 2011

Introduced by M. of A. SPANO, LANCMAN, REILLY, GABRYSZAK, MAISEL, STEVENSON, SCHIMMINGER -- Multi-Sponsored by -- M. of A. ABBATE, GALEF, PHEFFER -- read once and referred to the Committee on Correction

AN ACT to amend the correction law and the vehicle and traffic law, in relation to identifying registered sex offenders

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

- 1 Section 1. Section 168-b of the correction law is amended by adding a
2 new subdivision 13 to read as follows:
3 13. THE DIVISION SHALL, TO AID IN THE IDENTIFICATION OF REGISTERED SEX
4 OFFENDERS, MAKE INFORMATION AVAILABLE TO THE COMMISSIONER OF MOTOR VEHICLES
5 IN ORDER TO COMPLY WITH THE PROVISIONS OF SUBDIVISION SIX OF
6 SECTION FIVE HUNDRED SEVEN OF THE VEHICLE AND TRAFFIC LAW.
7 S 2. Section 168-d of the correction law is amended by adding a new
8 subdivision 5 to read as follows:
9 5. UPON A CONVICTION AS A SEX OFFENDER, THE COURT SHALL TAKE
10 POSSESSION OF HIS OR HER DRIVER'S LICENSE AND SHALL TENDER TO THE SEX
11 OFFENDER A TEMPORARY LICENSE, DIRECTING THAT HE OR SHE REPORT TO THE
12 DEPARTMENT OF MOTOR VEHICLES FOR A REPLACEMENT DRIVER'S LICENSE IN
13 ACCORDANCE WITH SUBDIVISION SIX OF SECTION FIVE HUNDRED SEVEN OF THE
14 VEHICLE AND TRAFFIC LAW. UPON A SEX OFFENDER BEING RELIEVED OF THE DUTY
15 TO REGISTER PURSUANT TO THIS ARTICLE, THE DEPARTMENT OF MOTOR VEHICLES
16 SHALL ISSUE A LICENSE WITHOUT THE SEX OFFENDER CODE PRINTED UPON THE
17 LICENSE AT NO CHARGE.
18 S 3. Subdivision 3 of section 168-f of the correction law, as amended
19 by chapter 11 of the laws of 2002, is amended to read as follows:
20 3. The provisions of subdivision two of this section shall be applied
21 to a sex offender required to register under this article except that
22 such sex offender designated as a sexual predator or having been given a
23 level three designation must personally verify his or her address with
24 the [local] law enforcement agency HAVING JURISDICTION every ninety

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

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1 calendar days after the date of release or commencement of parole or
2 post-release supervision, or probation, or release on payment of a fine,
3 conditional discharge or unconditional discharge. The duty to personally
4 verify shall be temporarily suspended during any period in which the sex
5 offender is confined to any state or local correctional facility, hospi-
6 tal or institution and shall immediately recommence on the date of the
7 sex offender's release.

8 S 4. Section 168-1 of the correction law is amended by adding a new
9 subdivision 6-a to read as follows:

10 6-A. SEX OFFENDERS DESIGNATED PURSUANT TO PARAGRAPH (B) OR (C) OF
11 SUBDIVISION SIX OF THIS SECTION SHALL, IN ADDITION TO THE OTHER REQUIRE-
12 MENTS OF THIS ARTICLE, REGISTER WITH THE DEPARTMENT OF MOTOR VEHICLES.
13 STATE AND LOCAL LAW ENFORCEMENT AGENCIES SHALL SHARE ALL INFORMATION
14 REGARDING SUCH OFFENDERS. NEIGHBORS OF SUCH SEX OFFENDERS SHALL BE NOTI-
15 FIED BY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION OF THE SEX
16 OFFENDER'S PRESENCE. ANY RESIDENT WITHIN A RADIUS OF TWO HUNDRED FEET OF
17 THE SEX OFFENDER'S RESIDENCE SHALL BE DEEMED A NEIGHBOR.

18 S 5. Section 507 of the vehicle and traffic law is amended by adding
19 two new subdivisions 6 and 7 to read as follows:

20 6. IDENTIFICATION OF SEX OFFENDERS ON LICENSES. THE COMMISSIONER SHALL
21 REQUIRE THAT EVERY LICENSE ISSUED TO OR RECEIVED BY A PERSON REGISTERED
22 AS A SEX OFFENDER WITH THE DEPARTMENT BY THE DIVISION OF CRIMINAL
23 JUSTICE SERVICES, PURSUANT TO SUBDIVISION THIRTEEN OF SECTION ONE
24 HUNDRED SIXTY-EIGHT-B OF THE CORRECTION LAW, BEAR A LETTERED CODE DESIG-
25 NATED BY THE DEPARTMENT, TO IDENTIFY SUCH PERSON AS A REGISTERED SEX
26 OFFENDER. THE COMMISSIONER SHALL CHARGE A TWENTY-FIVE DOLLAR FEE FOR THE
27 REPLACEMENT LICENSE.

28 7. STATEWIDE SEX OFFENDER DATABASE. THE COMMISSIONER SHALL CAUSE A
29 STATEWIDE DATABASE TO BE ESTABLISHED CONTAINING THE REGISTRATION INFOR-
30 MATION GATHERED PURSUANT TO SUBDIVISION SIX OF THIS SECTION. SUCH DATA-
31 BASE SHALL BE MADE AVAILABLE TO STATE AND LOCAL LAW ENFORCEMENT AGENCIES
32 UPON REQUEST THEREFROM.

33 S 6. This act shall take effect on the first of November next succeed-
34 ing the date on which it shall have become a law.