

5661

2011-2012 Regular Sessions

I N A S S E M B L Y

February 24, 2011

Introduced by M. of A. WEISENBERG, COLTON, M. MILLER, GIBSON, ZEBROWSKI, SPANO, GABRYSZAK, BROOK-KRASNY, MAYERSOHN, RAIA -- Multi-Sponsored by -- M. of A. CROUCH, FINCH, MAISEL, McKEVITT, SWEENEY, THIELE -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to the definition of and information provided about sex offenders

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

1 Section 1. Paragraph (e) of subdivision 2 of section 168-a of the
2 correction law, as added by chapter 69 of the laws of 2003, is amended
3 to read as follows:
4 (e) a conviction of OR A CONVICTION FOR AN ATTEMPT TO COMMIT any of
5 the provisions of subdivision two, three or four of section 250.45 of
6 the penal law, unless upon motion by the defendant, the trial court,
7 having regard to the nature and circumstances of the crime and to the
8 history and character of the defendant, is of the opinion that registra-
9 tion would be unduly harsh and inappropriate.
10 S 2. Paragraph (b) of subdivision 6 of section 168-1 of the correction
11 law, as amended by chapter 106 of the laws of 2006, is amended to read
12 as follows:
13 (b) If the risk of repeat offense is moderate, a level two designation
14 shall be given to such sex offender. In such case the law enforcement
15 agency or agencies having jurisdiction and the law enforcement agency or
16 agencies having had jurisdiction at the time of his or her conviction
17 shall be notified and may disseminate relevant information which shall
18 include a photograph and description of the offender and which may
19 include the exact name and any aliases used by the sex offender,
20 [approximate] EXACT address [based on sex offender's zip code], back-
21 ground information including the offender's crime of conviction, mode of
22 operation, type of victim targeted, the name and address of any institu-
23 tion of higher education at which the sex offender is enrolled, attends,

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

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1 is employed or resides and the description of special conditions imposed
2 on the offender to any entity with vulnerable populations related to the
3 nature of the offense committed by such sex offender. Any entity receiv-
4 ing information on a sex offender may disclose or further disseminate
5 such information at its discretion. In addition, in such case, the
6 information described herein shall also be provided in the subdirectory
7 established in this article and notwithstanding any other provision of
8 law, such information shall, upon request, be made available to the
9 public.

10 Such law enforcement agencies shall compile, maintain and update a
11 listing of vulnerable organizational entities within its jurisdiction.
12 Such listing shall be utilized for notification of such organizations in
13 disseminating such information on level two sex offenders pursuant to
14 this paragraph. Such listing shall include and not be limited to:
15 superintendents of schools or chief school administrators, superinten-
16 dents of parks, public and private libraries, public and private school
17 bus transportation companies, day care centers, nursery schools, pre-
18 schools, neighborhood watch groups, community centers, civic associ-
19 ations, nursing homes, victim's advocacy groups and places of worship.

20 S 3. This act shall take effect immediately, provided, however, that
21 the amendments to paragraph (e) of subdivision 2 of section 168-a of the
22 correction law made by section one of this act shall apply to persons
23 convicted of an attempt to commit any of the provisions of subdivision
24 2, 3 or 4 of section 250.45 of the penal law who committed such offense
25 prior to, on or after the effective date of this act; except that, with
26 regard to persons who committed such offense prior to the effective date
27 of this act, this act shall only apply to persons who have not completed
28 service of the sentence for such offense prior to such effective date.