

2055

2011-2012 Regular Sessions

I N S E N A T E

January 18, 2011

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to informing members of the community with regard to the presence of a convicted sex offender within their community

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

1 Section 1. Paragraphs (a), (b) and (c) of subdivision 6 of section  
2 168-1 of the correction law, paragraphs (a) and (b) as amended by chap-  
3 ter 106 of the laws of 2006 and paragraph (c) as separately amended by  
4 chapters 318 and 680 of the laws of 2005, are amended to read as  
5 follows:

6 (a) If the risk of repeat offense is low, a level one designation  
7 shall be given to such sex offender. In such case the law enforcement  
8 agency or agencies having jurisdiction and the law enforcement agency or  
9 agencies having had jurisdiction at the time of his or her conviction  
10 shall be notified and may disseminate relevant information which may  
11 include a photograph and description of the offender and which may  
12 include the name of the sex offender, approximate address based on sex  
13 offender's zip code, background information including the offender's  
14 crime of conviction, modus of operation, type of victim targeted, the  
15 name and address of any institution of higher education at which the sex  
16 offender is enrolled, attends, is employed or resides and the  
17 description of special conditions imposed on the offender to any entity  
18 with vulnerable populations related to the nature of the offense commit-  
19 ted by such sex offender. Any entity receiving information on a sex  
20 offender may disclose or further disseminate such information at its  
21 discretion.

22 SUCH LAW ENFORCEMENT AGENCIES SHALL COMPILE, MAINTAIN AND UPDATE A  
23 LISTING OF VULNERABLE ORGANIZATIONAL ENTITIES WITHIN ITS JURISDICTION.

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

LBD06823-01-1

1 SUCH LISTING SHALL BE UTILIZED FOR NOTIFICATION OF SUCH ORGANIZATIONS IN  
2 DISSEMINATING SUCH INFORMATION ON LEVEL ONE SEX OFFENDERS, WITHIN  
3 FORTY-EIGHT HOURS, PURSUANT TO THIS PARAGRAPH. SUCH LISTING SHALL  
4 INCLUDE AND NOT BE LIMITED TO: SUPERINTENDENTS OF SCHOOLS OR CHIEF  
5 SCHOOL ADMINISTRATORS, SUPERINTENDENTS OF PARKS, PUBLIC AND PRIVATE  
6 LIBRARIES, PUBLIC AND PRIVATE SCHOOL BUS TRANSPORTATION COMPANIES, DAY  
7 CARE CENTERS, NURSERY SCHOOLS, PRE-SCHOOLS, NEIGHBORHOOD WATCH GROUPS,  
8 COMMUNITY CENTERS, CIVIC ASSOCIATIONS, NURSING HOMES, VICTIM'S ADVOCACY  
9 GROUPS AND PLACES OF WORSHIP.

10 (b) If the risk of repeat offense is moderate, a level two designation  
11 shall be given to such sex offender. In such case the law enforcement  
12 agency or agencies having jurisdiction and the law enforcement agency or  
13 agencies having had jurisdiction at the time of his or her conviction  
14 shall be notified and may disseminate relevant information which shall  
15 include a photograph and description of the offender and which may  
16 include the exact name and any aliases used by the sex offender, approx-  
17 imate address based on sex offender's zip code, background information  
18 including the offender's crime of conviction, mode of operation, type of  
19 victim targeted, the name and address of any institution of higher  
20 education at which the sex offender is enrolled, attends, is employed or  
21 resides and the description of special conditions imposed on the offen-  
22 der to any entity with vulnerable populations related to the nature of  
23 the offense committed by such sex offender. Any entity receiving infor-  
24 mation on a sex offender may disclose or further disseminate such infor-  
25 mation at its discretion. In addition, in such case, the information  
26 described herein shall also be provided in the subdirectory established  
27 in this article and notwithstanding any other provision of law, such  
28 information shall, upon request, be made available to the public.

29 Such law enforcement agencies shall compile, maintain and update a  
30 listing of vulnerable organizational entities within its jurisdiction.  
31 Such listing shall be utilized for notification of such organizations in  
32 disseminating such information on level two sex offenders, WITHIN  
33 FORTY-EIGHT HOURS, pursuant to this paragraph. Such listing shall  
34 include and not be limited to: superintendents of schools or chief  
35 school administrators, superintendents of parks, public and private  
36 libraries, public and private school bus transportation companies, day  
37 care centers, nursery schools, pre-schools, neighborhood watch groups,  
38 community centers, civic associations, nursing homes, victim's advocacy  
39 groups and places of worship.

40 (c) If the risk of repeat offense is high and there exists a threat to  
41 the public safety a level three designation shall be given to such sex  
42 offender. In such case, the law enforcement agency or agencies having  
43 jurisdiction and the law enforcement agency or agencies having had  
44 jurisdiction at the time of his or her conviction shall be notified and  
45 may disseminate relevant information which shall include a photograph  
46 and description of the offender and which may include the sex offender's  
47 exact name and any aliases used by the offender, exact address, address  
48 of the offender's place of employment, background information including  
49 the offender's crime of conviction, mode of operation, type of victim  
50 targeted, the name and address of any institution of higher education at  
51 which the sex offender is enrolled, attends, is employed or resides and  
52 the description of special conditions imposed on the offender to any  
53 entity with vulnerable populations related to the nature of the offense  
54 committed by such sex offender. Any entity receiving information on a  
55 sex offender may disclose or further disseminate such information at its  
56 discretion. In addition, in such case, the information described herein

1 shall also be provided in the subdirectory established in this article  
2 and notwithstanding any other provision of law, such information shall,  
3 upon request, be made available to the public.

4 Such law enforcement agencies shall compile, maintain and update a  
5 listing of vulnerable organizational entities within its jurisdiction.  
6 Such listing shall be utilized for notification of such organizations in  
7 disseminating such information on level three sex offenders, WITHIN  
8 FORTY-EIGHT HOURS, pursuant to this paragraph. Such listing shall  
9 include and not be limited to: superintendents of schools or chief  
10 school administrators, superintendents of parks, public and private  
11 libraries, public and private school bus transportation companies, day  
12 care centers, nursery schools, pre-schools, neighborhood watch groups,  
13 community centers, civic associations, nursing homes, victim's advocacy  
14 groups and places of worship.

15 S 2. This act shall take effect on the first of November next succeed-  
16 ing the date upon which it shall have become a law; provided, however,  
17 that effective immediately, the addition, amendment and/or repeal of any  
18 rule or regulation necessary for the implementation of this act on its  
19 effective date are authorized and directed to be made and completed on  
20 or before such effective date.