

LBD04670-02-1

1 S 164. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS
2 THE "DOMESTIC VIOLENCE REGISTRATION ACT".

3 S 165. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING DEFINITIONS
4 APPLY:

5 1. "DOMESTIC VIOLENCE OFFENDER" MEANS A PERSON WHO HAS BEEN CONVICTED
6 OF A DOMESTIC VIOLENCE OFFENSE. CONVICTIONS THAT RESULT FROM OR ARE
7 CONNECTED WITH THE SAME ACT, OR RESULT FROM OFFENSES COMMITTED AT THE
8 SAME TIME, SHALL BE COUNTED FOR THE PURPOSE OF THIS ARTICLE AS ONE
9 CONVICTION. ANY CONVICTION SET ASIDE PURSUANT TO LAW SHALL NOT BE DEEMED
10 A CONVICTION FOR PURPOSES OF THIS ARTICLE.

11 2. "DOMESTIC VIOLENCE OFFENSE" MEANS THE CONVICTION OF ANY FELONY
12 OFFENSE DEFINED IN THE PENAL LAW WHEN THE VICTIM OF SUCH OFFENSE IS A
13 FAMILY OR HOUSEHOLD MEMBER.

14 3. "FAMILY OR HOUSEHOLD MEMBER" MEANS ANY OF THE FOLLOWING INDIVID-
15 UALS:

16 (A) PERSONS RELATED BY CONSANGUINITY OR AFFINITY;

17 (B) PERSONS LEGALLY MARRIED TO ONE ANOTHER;

18 (C) PERSONS FORMERLY MARRIED TO ONE ANOTHER REGARDLESS OF WHETHER THEY
19 STILL RESIDE IN THE SAME HOUSEHOLD;

20 (D) PERSONS WHO HAVE A CHILD IN COMMON REGARDLESS OF WHETHER SUCH
21 PERSONS ARE MARRIED OR HAVE LIVED TOGETHER AT ANY TIME; OR

22 (E) UNRELATED PERSONS WHO ARE CONTINUALLY OR AT REGULAR INTERVALS
23 LIVING IN THE SAME HOUSEHOLD OR WHO HAVE IN THE PAST CONTINUALLY OR AT
24 REGULAR INTERVALS LIVED IN THE SAME HOUSEHOLD.

25 4. "PARENT" MEANS A NATURAL OR ADOPTIVE PARENT OR ANY INDIVIDUAL
26 LAWFULLY CHARGED WITH A MINOR CHILD'S CARE OR CUSTODY.

27 5. "DIVISION" MEANS THE DIVISION OF CRIMINAL JUSTICE SERVICES.

28 6. "LAW ENFORCEMENT AGENCY HAVING JURISDICTION" MEANS:

29 (A) (I) THE CHIEF LAW ENFORCEMENT OFFICER IN THE VILLAGE, TOWN OR CITY
30 IN WHICH THE DOMESTIC VIOLENCE OFFENDER EXPECTS TO RESIDE UPON HIS OR
31 HER DISCHARGE, PROBATION, PAROLE, RELEASE TO POST-RELEASE SUPERVISION OR
32 UPON ANY FORM OF STATE OR LOCAL CONDITIONAL RELEASE; OR

33 (II) IF THERE BE NO CHIEF LAW ENFORCEMENT OFFICER IN SUCH VILLAGE,
34 TOWN OR CITY, THE CHIEF LAW ENFORCEMENT OFFICER OF THE COUNTY IN WHICH
35 THE DOMESTIC VIOLENCE OFFENDER EXPECTS TO RESIDE; OR

36 (III) IF THERE BE NO CHIEF ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN,
37 CITY OR COUNTY, THE DIVISION OF STATE POLICE; AND

38 (B) IN THE CASE OF A DOMESTIC VIOLENCE OFFENDER WHO IS OR EXPECTS TO
39 BE EMPLOYED BY, ENROLLED IN, ATTENDING OR EMPLOYED, WHETHER FOR COMPEN-
40 SATION OR NOT, AT AN INSTITUTION OF HIGHER EDUCATION, (I) THE CHIEF LAW
41 ENFORCEMENT OFFICER IN THE VILLAGE, TOWN OR CITY IN WHICH SUCH INSTITU-
42 TION IS LOCATED; OR (II) IF THERE BE NO CHIEF LAW ENFORCEMENT OFFICER IN
43 SUCH VILLAGE, TOWN OR CITY, THE CHIEF LAW ENFORCEMENT OFFICER OF THE
44 COUNTY IN WHICH SUCH INSTITUTION IS LOCATED; OR (III) IF THERE BE NO
45 CHIEF LAW ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN, CITY OR COUNTY, THE
46 DIVISION OF STATE POLICE; AND (IV) IF SUCH INSTITUTION OPERATES OR
47 EMPLOYS A CAMPUS LAW ENFORCEMENT OR SECURITY AGENCY, THE CHIEF OF SUCH
48 AGENCY; AND

49 (C) IN THE CASE OF A DOMESTIC VIOLENCE OFFENDER WHO EXPECTS TO RESIDE
50 WITHIN A STATE PARK OR ON OTHER LAND UNDER THE JURISDICTION OF THE
51 OFFICE OF PARKS, RECREATION AND HISTORIC PRESERVATION, THE STATE
52 REGIONAL PARK POLICE.

53 S 165-A. DUTIES OF THE DIVISION; REGISTRATION INFORMATION. 1. THE
54 DIVISION SHALL ESTABLISH AND MAINTAIN A FILE OF DOMESTIC VIOLENCE OFFEN-
55 DERS REQUIRED TO REGISTER PURSUANT TO THE PROVISIONS OF THIS ARTICLE
56 WHICH SHALL INCLUDE THE FOLLOWING INFORMATION OF EACH REGISTRANT:

1 (A) THE DOMESTIC VIOLENCE OFFENDER'S NAME, ALL ALIASES USED, DATE OF
2 BIRTH, SEX, RACE, HEIGHT, WEIGHT, EYE COLOR, DRIVER'S LICENSE NUMBER,
3 HOME ADDRESS AND/OR EXPECTED PLACE OF DOMICILE, ANY INTERNET ACCOUNTS
4 WITH INTERNET ACCESS PROVIDERS BELONGING TO SUCH OFFENDER AND INTERNET
5 IDENTIFIERS THAT SUCH OFFENDER USES;

6 (B) A PHOTOGRAPH AND SET OF FINGERPRINTS. THE DIVISION SHALL, DURING
7 THE PERIOD OF REGISTRATION, UPDATE SUCH PHOTOGRAPH ONCE EVERY THREE
8 YEARS. THE DIVISION SHALL NOTIFY THE DOMESTIC VIOLENCE OFFENDER BY MAIL
9 OF THE DUTY TO APPEAR AND BE PHOTOGRAPHED AT THE SPECIFIED LAW ENFORCE-
10 MENT AGENCY HAVING JURISDICTION. SUCH NOTIFICATION SHALL BE MAILED AT
11 LEAST THIRTY DAYS AND NOT MORE THAN SIXTY DAYS BEFORE THE PHOTOGRAPH IS
12 REQUIRED TO BE TAKEN PURSUANT TO THIS ARTICLE;

13 (C) A DESCRIPTION OF THE DOMESTIC VIOLENCE OFFENSE OF WHICH THE DOMES-
14 TIC VIOLENCE OFFENDER WAS CONVICTED, THE DATE OF CONVICTION AND THE
15 SENTENCE IMPOSED;

16 (D) THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION AT
17 WHICH THE DOMESTIC VIOLENCE OFFENDER IS OR EXPECTS TO BE ENROLLED,
18 ATTENDING OR EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND WHETHER SUCH
19 DOMESTIC VIOLENCE OFFENDER RESIDES IN OR WILL RESIDE IN A FACILITY OWNED
20 OR OPERATED BY SUCH INSTITUTION;

21 (E) THE EMPLOYMENT ADDRESS AND/OR EXPECTED PLACE OF EMPLOYMENT OF THE
22 DOMESTIC VIOLENCE OFFENDER; AND

23 (F) ANY OTHER INFORMATION DEEMED PERTINENT BY THE DIVISION.

24 2. (A) THE DIVISION IS AUTHORIZED TO MAKE THE REGISTRY AVAILABLE TO
25 ANY REGIONAL OR NATIONAL REGISTRY OF DOMESTIC VIOLENCE OFFENDERS FOR THE
26 PURPOSE OF SHARING INFORMATION. THE DIVISION SHALL ACCEPT FILES FROM ANY
27 REGIONAL OR NATIONAL REGISTRY OF DOMESTIC VIOLENCE OFFENDERS AND SHALL
28 MAKE SUCH FILES AVAILABLE WHEN REQUESTED PURSUANT TO THE PROVISIONS OF
29 THIS ARTICLE.

30 (B) NO OFFICIAL, AGENCY, AUTHORIZED PERSON OR ENTITY, WHETHER PUBLIC
31 OR PRIVATE, SHALL BE SUBJECT TO ANY CIVIL OR CRIMINAL LIABILITY FOR
32 DAMAGES FOR ANY DECISION OR ACTION MADE IN THE ORDINARY COURSE OF BUSI-
33 NESS OF THAT OFFICIAL, AGENCY, AUTHORIZED PERSON OR ENTITY PURSUANT TO
34 THIS ARTICLE, PROVIDED THAT SUCH OFFICIAL, AGENCY, AUTHORIZED PERSON OR
35 ENTITY ACTED REASONABLY AND IN GOOD FAITH WITH RESPECT TO SUCH REGISTRY
36 INFORMATION.

37 (C) THE DIVISION SHALL ENSURE THAT NO INFORMATION INCLUDED IN THE
38 REGISTRY BE MADE AVAILABLE EXCEPT IN THE FURTHERANCE OF THE PROVISIONS
39 OF THIS ARTICLE.

40 3. THE DIVISION SHALL DEVELOP A STANDARDIZED REGISTRATION FORM TO BE
41 MADE AVAILABLE TO THE APPROPRIATE AUTHORITIES AND PROMULGATE RULES AND
42 REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SUBDIVISION. SUCH FORM
43 SHALL BE WRITTEN IN CLEAR AND CONCISE LANGUAGE AND SHALL ADVISE THE
44 DOMESTIC VIOLENCE OFFENDER OF HIS OR HER DUTIES AND OBLIGATIONS UNDER
45 THIS ARTICLE.

46 4. THE DIVISION SHALL MAIL A NONFORWARDABLE VERIFICATION FORM TO THE
47 LAST REPORTED ADDRESS OF EACH DOMESTIC VIOLENCE OFFENDER FOR ANNUAL
48 VERIFICATION REQUIREMENTS.

49 5. THE DIVISION SHALL ALSO ESTABLISH AND OPERATE A TELEPHONE NUMBER AS
50 PROVIDED FOR IN SECTION ONE HUNDRED SIXTY-FIVE-K OF THIS ARTICLE.

51 6. THE DIVISION SHALL ALSO ESTABLISH A PUBLIC AWARENESS CAMPAIGN TO
52 ADVISE THE PUBLIC ON THE PROVISIONS OF THIS ARTICLE.

53 7. THE DIVISION SHALL CHARGE A FEE OF TEN DOLLARS EACH TIME A DOMESTIC
54 VIOLENCE OFFENDER REGISTERS ANY CHANGE OF ADDRESS OR ANY CHANGE OF HIS
55 OR HER STATUS OF ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY
56 INSTITUTION OF HIGHER EDUCATION AS REQUIRED BY THIS ARTICLE. THE FEE

1 SHALL BE PAID TO THE DIVISION BY THE DOMESTIC VIOLENCE OFFENDER. THE
2 STATE COMPTROLLER SHALL DEPOSIT SUCH FEES INTO THE DOMESTIC VIOLENCE
3 AWARENESS FUND ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-YYY OF THE
4 STATE FINANCE LAW AS ADDED BY CHAPTER SIX HUNDRED THIRTY-FOUR OF THE
5 LAWS OF TWO THOUSAND TWO.

6 8. THE DIVISION SHALL, UPON THE REQUEST OF ANY CHILDREN'S CAMP OPERA-
7 TOR, RELEASE TO SUCH PERSON ANY INFORMATION IN THE DOMESTIC VIOLENCE
8 OFFENDER REGISTRY RELATING TO A PROSPECTIVE EMPLOYEE OF ANY SUCH PERSON
9 OR ENTITY IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE. THE DIVI-
10 SION SHALL PROMULGATE RULES AND REGULATIONS RELATING TO PROCEDURES FOR
11 THE RELEASE OF INFORMATION IN THE REGISTRY TO ANY SUCH PERSON.

12 9. THE DIVISION SHALL, UPON THE REQUEST OF ANY AUTHORIZED INTERNET
13 ENTITY, RELEASE TO SUCH ENTITY INTERNET IDENTIFIERS THAT WOULD ENABLE
14 SUCH ENTITY TO PRESERVE OR REMOVE DOMESTIC VIOLENCE OFFENDERS FROM ITS
15 SERVICES OR, IN CONFORMITY WITH STATE AND FEDERAL LAW, ADVISE LAW
16 ENFORCEMENT AND/OR OTHER GOVERNMENTAL ENTITIES OF POTENTIAL VIOLATIONS
17 OF LAW AND/OR THREATS TO PUBLIC SAFETY. BEFORE RELEASING ANY INFORMATION
18 THE DIVISION SHALL REQUIRE AN AUTHORIZED INTERNET ENTITY THAT REQUESTS
19 INFORMATION FROM THE DOMESTIC VIOLENCE OFFENDER REGISTRY TO SUBMIT TO
20 THE DIVISION THE NAME, ADDRESS AND TELEPHONE NUMBER OF SUCH ENTITY AND
21 THE SPECIFIC LEGAL NATURE AND CORPORATE STATUS OF SUCH ENTITY. EXCEPT
22 FOR THE PURPOSES SPECIFIED IN THIS SUBDIVISION, AN AUTHORIZED INTERNET
23 ENTITY SHALL NOT PUBLISH OR IN ANY WAY DISCLOSE OR REDISCLOSE ANY INFOR-
24 MATION PROVIDED TO IT BY THE DIVISION PURSUANT TO THIS SUBDIVISION. THE
25 DIVISION MAY CHARGE AN AUTHORIZED INTERNET ENTITY A FEE FOR ACCESS TO
26 REGISTERED INTERNET IDENTIFIERS REQUESTED BY SUCH ENTITY PURSUANT TO
27 THIS SUBDIVISION. THE DIVISION SHALL PROMULGATE RULES AND REGULATIONS
28 RELATING TO PROCEDURES FOR THE RELEASE OF INFORMATION IN THE REGISTRY,
29 INCLUDING BUT NOT LIMITED TO, THE DISCLOSURE AND REDISCLOSURE OF SUCH
30 INFORMATION, AND THE IMPOSITION OF ANY FEES.

31 S 165-B. DOMESTIC VIOLENCE OFFENDER; RELOCATION; NOTIFICATION. 1. IN
32 THE CASE OF ANY DOMESTIC VIOLENCE OFFENDER, IT SHALL BE THE DUTY OF THE
33 DEPARTMENT, HOSPITAL OR LOCAL CORRECTIONAL FACILITY AT LEAST TEN CALEN-
34 DAR DAYS PRIOR TO THE RELEASE OR DISCHARGE OF ANY DOMESTIC VIOLENCE
35 OFFENDER FROM A CORRECTIONAL FACILITY, HOSPITAL OR LOCAL CORRECTIONAL
36 FACILITY TO NOTIFY THE DIVISION OF THE CONTEMPLATED RELEASE OR DISCHARGE
37 OF SUCH DOMESTIC VIOLENCE OFFENDER, INFORMING THE DIVISION IN WRITING ON
38 A FORM PROVIDED BY THE DIVISION INDICATING THE ADDRESS AT WHICH HE OR
39 SHE PROPOSES TO RESIDE AND THE NAME AND ADDRESS OF ANY INSTITUTION OF
40 HIGHER EDUCATION AT WHICH HE OR SHE EXPECTS TO BE ENROLLED, ATTENDING OR
41 EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND WHETHER HE OR SHE RESIDES
42 IN OR WILL RESIDE IN A FACILITY OWNED OR OPERATED BY SUCH INSTITUTION.
43 IF SUCH DOMESTIC VIOLENCE OFFENDER CHANGES HIS OR HER PLACE OF RESIDENCE
44 WHILE ON PAROLE, SUCH NOTIFICATION OF THE CHANGE OF RESIDENCE SHALL BE
45 SENT BY THE DOMESTIC VIOLENCE OFFENDER'S PAROLE OFFICER WITHIN
46 FORTY-EIGHT HOURS TO THE DIVISION ON A FORM PROVIDED BY THE DIVISION. IF
47 SUCH DOMESTIC VIOLENCE OFFENDER CHANGES THE STATUS OF HIS OR HER ENROLL-
48 MENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF HIGHER
49 EDUCATION WHILE ON PAROLE, SUCH NOTIFICATION OF THE CHANGE OF STATUS
50 SHALL BE SENT BY THE DOMESTIC VIOLENCE OFFENDER'S PAROLE OFFICER WITHIN
51 FORTY-EIGHT HOURS TO THE DIVISION ON A FORM PROVIDED BY THE DIVISION.

52 2. IN THE CASE OF ANY DOMESTIC VIOLENCE OFFENDER ON PROBATION, IT
53 SHALL BE THE DUTY OF THE DOMESTIC VIOLENCE OFFENDER'S PROBATION OFFICER
54 TO NOTIFY THE DIVISION WITHIN FORTY-EIGHT HOURS OF THE NEW PLACE OF
55 RESIDENCE ON A FORM PROVIDED BY THE DIVISION. IF SUCH DOMESTIC VIOLENCE
56 OFFENDER CHANGES THE STATUS OF HIS OR HER ENROLLMENT, ATTENDANCE,

1 EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF HIGHER EDUCATION WHILE ON
2 PROBATION, SUCH NOTIFICATION OF THE CHANGE OF STATUS SHALL BE SENT BY
3 THE DOMESTIC VIOLENCE OFFENDER'S PROBATION OFFICER WITHIN FORTY-EIGHT
4 HOURS TO THE DIVISION ON A FORM PROVIDED BY THE DIVISION.

5 3. IN THE CASE IN WHICH ANY DOMESTIC VIOLENCE OFFENDER ESCAPES FROM A
6 STATE OR LOCAL CORRECTIONAL FACILITY OR HOSPITAL, THE DESIGNATED OFFI-
7 CIAL OF THE FACILITY OR HOSPITAL WHERE THE PERSON WAS CONFINED SHALL
8 NOTIFY WITHIN TWENTY-FOUR HOURS THE LAW ENFORCEMENT AGENCY HAVING HAD
9 JURISDICTION AT THE TIME OF HIS OR HER CONVICTION, INFORMING SUCH LAW
10 ENFORCEMENT AGENCY OF THE NAME AND ALIASES OF THE PERSON, AND THE
11 ADDRESS AT WHICH HE OR SHE RESIDED AT THE TIME OF HIS OR HER CONVICTION,
12 THE AMOUNT OF TIME REMAINING TO BE SERVED, IF ANY, ON THE FULL TERM FOR
13 WHICH HE OR SHE WAS SENTENCED, AND THE NATURE OF THE CRIME FOR WHICH HE
14 OR SHE WAS SENTENCED, TRANSMITTING AT THE SAME TIME A COPY OF SUCH
15 DOMESTIC VIOLENCE OFFENDER'S FINGERPRINTS AND PHOTOGRAPH AND A SUMMARY
16 OF HIS OR HER CRIMINAL RECORD.

17 4. THE DIVISION SHALL PROVIDE GENERAL INFORMATION, IN REGISTRATION
18 MATERIALS AND ANNUAL CORRESPONDENCE, TO REGISTRANTS CONCERNING NOTIFICA-
19 TION AND REGISTRATION PROCEDURES THAT MAY APPLY IF THE REGISTRANT IS
20 AUTHORIZED TO RELOCATE AND RELOCATES TO ANOTHER STATE OR UNITED STATES
21 POSSESSION, OR COMMENCES EMPLOYMENT OR ATTENDANCE AT AN EDUCATION INSTI-
22 TUTION IN ANOTHER STATE OR UNITED STATES POSSESSION. SUCH INFORMATION
23 SHALL INCLUDE ADDRESSES AND TELEPHONE NUMBERS FOR RELEVANT AGENCIES FROM
24 WHICH ADDITIONAL INFORMATION MAY BE OBTAINED.

25 S 165-C. DUTIES OF THE COURT. 1. UPON CONVICTION OF A DOMESTIC
26 VIOLENCE OFFENSE THE COURT SHALL CERTIFY THAT THE DEFENDANT IS A DOMES-
27 TIC VIOLENCE OFFENDER AND SHALL INCLUDE THE CERTIFICATION IN THE ORDER
28 OF COMMITMENT, IF ANY, AND JUDGMENT OF CONVICTION. THE COURT SHALL ALSO
29 ADVISE THE DOMESTIC VIOLENCE OFFENDER OF HIS OR HER DUTIES UNDER THIS
30 ARTICLE. FAILURE TO INCLUDE THE CERTIFICATION IN THE ORDER OF COMMIT-
31 MENT OR THE JUDGMENT OF CONVICTION SHALL NOT RELIEVE A DOMESTIC VIOLENCE
32 OFFENDER OF THE OBLIGATIONS IMPOSED BY THIS ARTICLE.

33 2. ANY DOMESTIC VIOLENCE OFFENDER, WHO IS RELEASED ON PROBATION OR
34 DISCHARGED UPON PAYMENT OF A FINE, CONDITIONAL DISCHARGE OR UNCONDI-
35 TIONAL DISCHARGE SHALL, PRIOR TO SUCH RELEASE OR DISCHARGE, BE INFORMED
36 OF HIS OR HER DUTY TO REGISTER UNDER THIS ARTICLE BY THE COURT IN WHICH
37 HE OR SHE WAS CONVICTED. AT THE TIME SENTENCE IS IMPOSED, SUCH DOMESTIC
38 VIOLENCE OFFENDER SHALL REGISTER WITH THE DIVISION ON A FORM PREPARED BY
39 THE DIVISION. THE COURT SHALL REQUIRE THE DOMESTIC VIOLENCE OFFENDER TO
40 READ AND SIGN SUCH FORM AND TO COMPLETE THE REGISTRATION PORTION OF SUCH
41 FORM. THE COURT SHALL ON SUCH FORM OBTAIN THE ADDRESS WHERE THE DOMES-
42 TICS VIOLENCE OFFENDER EXPECTS TO RESIDE UPON HIS OR HER RELEASE, AND
43 THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION HE OR SHE
44 EXPECTS TO BE EMPLOYED BY, ENROLLED IN, ATTENDING OR EMPLOYED, WHETHER
45 FOR COMPENSATION OR NOT, AND WHETHER HE OR SHE EXPECTS TO RESIDE IN A
46 FACILITY OWNED OR OPERATED BY SUCH AN INSTITUTION, AND SHALL REPORT SUCH
47 INFORMATION TO THE DIVISION. THE COURT SHALL GIVE ONE COPY OF THE FORM
48 TO THE DOMESTIC VIOLENCE OFFENDER AND SHALL SEND TWO COPIES TO THE DIVI-
49 SION WHICH SHALL FORWARD THE INFORMATION TO THE LAW ENFORCEMENT AGENCIES
50 HAVING JURISDICTION. WHERE THE COURT ORDERS A DOMESTIC VIOLENCE OFFEN-
51 DER RELEASED ON PROBATION, SUCH ORDER MUST INCLUDE A PROVISION REQUIRING
52 THAT HE OR SHE COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE. WHERE SUCH
53 DOMESTIC VIOLENCE OFFENDER VIOLATES SUCH PROVISION, PROBATION MAY BE
54 IMMEDIATELY REVOKED IN THE MANNER PROVIDED BY ARTICLE FOUR HUNDRED TEN
55 OF THE CRIMINAL PROCEDURE LAW.

1 S 165-D. DISCHARGE OF DOMESTIC VIOLENCE OFFENDER FROM CORRECTIONAL
2 FACILITY; DUTIES OF OFFICIAL IN CHARGE. ANY DOMESTIC VIOLENCE OFFENDER,
3 TO BE DISCHARGED, PAROLED, RELEASED TO POST-RELEASE SUPERVISION OR
4 RELEASED FROM ANY STATE OR LOCAL CORRECTIONAL FACILITY, HOSPITAL OR
5 INSTITUTION WHERE HE OR SHE WAS CONFINED OR COMMITTED, SHALL AT LEAST
6 FIFTEEN CALENDAR DAYS PRIOR TO DISCHARGE, PAROLE OR RELEASE, BE INFORMED
7 OF HIS OR HER DUTY TO REGISTER UNDER THIS ARTICLE, BY THE FACILITY IN
8 WHICH HE OR SHE WAS CONFINED OR COMMITTED. THE FACILITY SHALL REQUIRE
9 THE DOMESTIC VIOLENCE OFFENDER TO READ AND SIGN SUCH FORM AS MAY BE
10 REQUIRED BY THE DIVISION STATING THE DUTY TO REGISTER AND THE PROCEDURE
11 FOR REGISTRATION HAS BEEN EXPLAINED TO HIM OR HER AND TO COMPLETE THE
12 REGISTRATION PORTION OF SUCH FORM. THE FACILITY SHALL OBTAIN ON SUCH
13 FORM THE ADDRESS WHERE THE DOMESTIC VIOLENCE OFFENDER EXPECTS TO RESIDE
14 UPON HIS OR HER DISCHARGE, PAROLE OR RELEASE AND THE NAME AND ADDRESS OF
15 ANY INSTITUTION OF HIGHER EDUCATION HE OR SHE EXPECTS TO BE EMPLOYED BY,
16 ENROLLED IN, ATTENDING OR EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND
17 WHETHER HE OR SHE EXPECTS TO RESIDE IN A FACILITY OWNED OR OPERATED BY
18 SUCH AN INSTITUTION, AND SHALL REPORT SUCH INFORMATION TO THE DIVISION.
19 THE FACILITY SHALL GIVE ONE COPY OF THE FORM TO THE DOMESTIC VIOLENCE
20 OFFENDER, RETAIN ONE COPY AND SHALL SEND ONE COPY TO THE DIVISION WHICH
21 SHALL PROVIDE THE INFORMATION TO THE LAW ENFORCEMENT AGENCIES HAVING
22 JURISDICTION. THE FACILITY SHALL GIVE THE DOMESTIC VIOLENCE OFFENDER A
23 FORM PREPARED BY THE DIVISION, TO REGISTER WITH THE DIVISION AT LEAST
24 FIFTEEN CALENDAR DAYS PRIOR TO RELEASE AND SUCH FORM SHALL BE COMPLETED,
25 SIGNED BY THE DOMESTIC VIOLENCE OFFENDER AND SENT TO THE DIVISION BY THE
26 FACILITY AT LEAST TEN DAYS PRIOR TO THE DOMESTIC VIOLENCE OFFENDER'S
27 RELEASE OR DISCHARGE.

28 S 165-E. DUTY TO REGISTER AND TO VERIFY. 1. EVERY DOMESTIC VIOLENCE
29 OFFENDER SHALL, (A) AT LEAST TEN CALENDAR DAYS PRIOR TO DISCHARGE,
30 PAROLE, RELEASE TO POST-RELEASE SUPERVISION OR RELEASE FROM ANY STATE OR
31 LOCAL CORRECTIONAL FACILITY, HOSPITAL OR INSTITUTION WHERE HE OR SHE WAS
32 CONFINED OR COMMITTED, OR, (B) AT THE TIME SENTENCE IS IMPOSED FOR ANY
33 DOMESTIC VIOLENCE OFFENDER RELEASED ON PROBATION OR DISCHARGED UPON
34 PAYMENT OF A FINE, CONDITIONAL DISCHARGE OR UNCONDITIONAL DISCHARGE,
35 REGISTER WITH THE DIVISION ON A FORM PREPARED BY THE DIVISION.

36 2. FOR A DOMESTIC VIOLENCE OFFENDER REQUIRED TO REGISTER UNDER THIS
37 ARTICLE ON EACH ANNIVERSARY OF THE DOMESTIC VIOLENCE OFFENDER'S INITIAL
38 REGISTRATION DATE DURING THE PERIOD IN WHICH HE OR SHE IS REQUIRED TO
39 REGISTER UNDER THIS SECTION THE FOLLOWING APPLY:

40 (A) THE DOMESTIC VIOLENCE OFFENDER SHALL MAIL THE VERIFICATION FORM TO
41 THE DIVISION WITHIN TEN CALENDAR DAYS AFTER RECEIPT OF THE FORM;

42 (B) THE VERIFICATION FORM SHALL BE SIGNED BY THE DOMESTIC VIOLENCE
43 OFFENDER, AND STATE THAT HE OR SHE STILL RESIDES AT THE ADDRESS LAST
44 REPORTED TO THE DIVISION;

45 (C) IF THE DOMESTIC VIOLENCE OFFENDER FAILS TO MAIL THE SIGNED VERIFI-
46 CATION FORM TO THE DIVISION WITHIN TEN CALENDAR DAYS AFTER RECEIPT OF
47 THE FORM, HE OR SHE SHALL BE IN VIOLATION OF THIS SECTION UNLESS HE OR
48 SHE PROVES THAT HE OR SHE HAS NOT CHANGED HIS OR HER RESIDENCE ADDRESS;
49 AND

50 (D) IF THE DOMESTIC VIOLENCE OFFENDER, TO WHOM A NOTICE HAS BEEN
51 MAILED AT THE LAST REPORTED ADDRESS PURSUANT TO THIS ARTICLE, FAILS TO
52 PERSONALLY APPEAR AT THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION,
53 WITHIN TWENTY DAYS OF THE ANNIVERSARY OF THE DOMESTIC VIOLENCE
54 OFFENDER'S INITIAL REGISTRATION, OR AN ALTERNATE LATER DATE SCHEDULED BY
55 THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, HE OR SHE SHALL BE IN
56 VIOLATION OF THIS SECTION. THE DUTY TO PERSONALLY APPEAR FOR SUCH

1 UPDATED PHOTOGRAPH SHALL BE TEMPORARILY SUSPENDED DURING ANY PERIOD IN
2 WHICH THE DOMESTIC VIOLENCE OFFENDER IS CONFINED IN ANY HOSPITAL OR
3 INSTITUTION, AND SUCH DOMESTIC VIOLENCE OFFENDER SHALL PERSONALLY APPEAR
4 FOR SUCH UPDATED PHOTOGRAPH NO LATER THAN NINETY DAYS AFTER RELEASE FROM
5 SUCH HOSPITAL OR INSTITUTION, OR AN ALTERNATE LATER DATE SCHEDULED BY
6 THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION.

7 3. EVERY DOMESTIC VIOLENCE OFFENDER SHALL REGISTER WITH THE DIVISION
8 NO LATER THAN TEN CALENDAR DAYS AFTER ANY CHANGE OF ADDRESS, INTERNET
9 ACCOUNTS WITH INTERNET ACCESS PROVIDERS BELONGING TO SUCH OFFENDER,
10 INTERNET IDENTIFIERS THAT SUCH DOMESTIC VIOLENCE OFFENDER USES, OR HIS
11 OR HER STATUS OF ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY
12 INSTITUTION OF HIGHER EDUCATION. A FEE OF TEN DOLLARS, AS AUTHORIZED BY
13 SUBDIVISION SEVEN OF SECTION ONE HUNDRED SIXTY-FIVE-A OF THIS ARTICLE,
14 SHALL BE SUBMITTED BY THE DOMESTIC VIOLENCE OFFENDER EACH TIME SUCH
15 OFFENDER REGISTERS ANY CHANGE OF ADDRESS OR ANY CHANGE OF HIS OR HER
16 STATUS OR ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTI-
17 TUTION OF HIGHER EDUCATION. ANY FAILURE OR OMISSION TO SUBMIT THE
18 REQUIRED FEE SHALL NOT AFFECT THE ACCEPTANCE BY THE DIVISION OF THE
19 CHANGE OF ADDRESS OR CHANGE OF STATUS.

20 4. THE DUTY TO REGISTER UNDER THE PROVISIONS OF THIS ARTICLE SHALL NOT
21 BE APPLICABLE TO ANY DOMESTIC VIOLENCE OFFENDER WHOSE CONVICTION WAS
22 REVERSED UPON APPEAL OR WHO WAS PARDONED BY THE GOVERNOR.

23 5. ANY NONRESIDENT WORKER OR NONRESIDENT STUDENT, AS DEFINED IN SUBDI-
24 VISIONS FOURTEEN AND FIFTEEN OF SECTION ONE HUNDRED SIXTY-EIGHT-A OF
25 THIS CHAPTER, WHO IS A DOMESTIC VIOLENCE OFFENDER SHALL REGISTER HIS OR
26 HER CURRENT ADDRESS AND THE ADDRESS OF HIS OR HER PLACE OF EMPLOYMENT OR
27 EDUCATIONAL INSTITUTION ATTENDED WITH THE DIVISION WITHIN TEN CALENDAR
28 DAYS AFTER SUCH NONRESIDENT WORKER OR NONRESIDENT STUDENT COMMENCES
29 EMPLOYMENT OR ATTENDANCE AT AN EDUCATIONAL INSTITUTION IN THE STATE. ANY
30 SUCH NONRESIDENT WORKER OR NONRESIDENT STUDENT SHALL NOTIFY THE DIVISION
31 OF ANY CHANGE OF RESIDENCE, EMPLOYMENT OR EDUCATIONAL INSTITUTION
32 ADDRESS NO LATER THAN TEN DAYS AFTER SUCH CHANGE. THE DIVISION SHALL
33 NOTIFY THE LAW ENFORCEMENT AGENCY WHERE THE NONRESIDENT WORKER IS
34 EMPLOYED OR THE EDUCATIONAL INSTITUTION IS LOCATED THAT A NONRESIDENT
35 WORKER OR NONRESIDENT STUDENT IS PRESENT IN THAT AGENCY'S JURISDICTION.

36 S 165-F. PRIOR CONVICTIONS; DUTY TO INFORM AND REGISTER. 1. THE
37 DEPARTMENT OR OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES IN
38 ACCORDANCE WITH RISK FACTORS PURSUANT TO THIS ARTICLE SHALL DETERMINE
39 THE DURATION OF REGISTRATION AND NOTIFICATION FOR EVERY DOMESTIC
40 VIOLENCE OFFENDER WHO ON THE EFFECTIVE DATE OF THIS ARTICLE IS THEN ON
41 PAROLE OR PROBATION FOR A DOMESTIC VIOLENCE OFFENSE.

42 2. EVERY DOMESTIC VIOLENCE OFFENDER WHO ON THE EFFECTIVE DATE OF THIS
43 ARTICLE IS THEN ON PAROLE OR PROBATION FOR A DOMESTIC VIOLENCE OFFENSE
44 SHALL WITHIN TEN CALENDAR DAYS OF SUCH DATE REGISTER WITH HIS OR HER
45 PAROLE OR PROBATION OFFICER. ON EACH ANNIVERSARY OF THE DOMESTIC
46 VIOLENCE OFFENDER'S INITIAL REGISTRATION DATE THEREAFTER, THE PROVISIONS
47 OF SECTION ONE HUNDRED SIXTY-FIVE-E OF THIS ARTICLE SHALL APPLY. ANY
48 DOMESTIC VIOLENCE OFFENDER WHO FAILS OR REFUSES TO SO COMPLY SHALL BE
49 SUBJECT TO THE SAME PENALTIES AS OTHERWISE PROVIDED FOR IN THIS ARTICLE
50 WHICH WOULD BE IMPOSED UPON A DOMESTIC VIOLENCE OFFENDER WHO FAILS OR
51 REFUSES TO SO COMPLY WITH THE PROVISIONS OF THIS ARTICLE ON OR AFTER
52 SUCH EFFECTIVE DATE.

53 3. IT SHALL BE THE DUTY OF THE PAROLE OR PROBATION OFFICER TO INFORM
54 AND REGISTER SUCH DOMESTIC VIOLENCE OFFENDER ACCORDING TO THE REQUIRE-
55 MENTS IMPOSED BY THIS ARTICLE. A PAROLE OR PROBATION OFFICER SHALL GIVE
56 ONE COPY OF THE FORM TO THE DOMESTIC VIOLENCE OFFENDER AND SHALL, WITHIN

THREE CALENDAR DAYS, SEND TWO COPIES ELECTRONICALLY OR OTHERWISE TO THE DIVISION WHICH SHALL FORWARD ONE COPY ELECTRONICALLY OR OTHERWISE TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE DOMESTIC VIOLENCE OFFENDER RESIDES UPON HIS OR HER PAROLE, PROBATION, OR UPON ANY FORM OF STATE OR LOCAL CONDITIONAL RELEASE.

4. A PETITION FOR RELIEF FROM THIS SECTION MAY BE GRANTED TO ANY DOMESTIC VIOLENCE OFFENDER REQUIRED TO REGISTER WHILE RELEASED ON PAROLE OR PROBATION PURSUANT TO SECTION ONE HUNDRED SIXTY-FIVE-N OF THIS ARTICLE.

S 165-G. DURATION OF REGISTRATION AND VERIFICATION. THE DURATION OF REGISTRATION AND VERIFICATION FOR A DOMESTIC VIOLENCE OFFENDER SHALL BE ANNUALLY FOR A PERIOD OF TWENTY YEARS FROM THE INITIAL DATE OF REGISTRATION.

S 165-H. REGISTRATION AND VERIFICATION REQUIREMENTS. REGISTRATION AND VERIFICATION AS REQUIRED BY THIS ARTICLE SHALL CONSIST OF A STATEMENT IN WRITING SIGNED BY THE DOMESTIC VIOLENCE OFFENDER GIVING THE INFORMATION THAT IS REQUIRED BY THE DIVISION AND THE DIVISION SHALL ENTER THE INFORMATION INTO AN APPROPRIATE ELECTRONIC DATA BASE OR FILE.

S 165-I. NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGE OF ADDRESS. 1. UPON RECEIPT OF A CHANGE OF ADDRESS BY A DOMESTIC VIOLENCE OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE, THE DIVISION SHALL NOTIFY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION OF THE NEW PLACE OF RESIDENCE AND THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE DOMESTIC VIOLENCE OFFENDER LAST RESIDED OF THE NEW PLACE OF RESIDENCE.

2. UPON RECEIPT OF CHANGE OF ADDRESS INFORMATION, THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION OF THE NEW PLACE OF RESIDENCE SHALL ADHERE TO THE NOTIFICATION PROVISIONS SET FORTH IN THIS ARTICLE.

3. THE DIVISION SHALL, IF THE DOMESTIC VIOLENCE OFFENDER CHANGES RESIDENCE TO ANOTHER STATE, NOTIFY THE APPROPRIATE AGENCY WITHIN THAT STATE OF THE NEW PLACE OF RESIDENCE.

4. UPON RECEIPT OF A CHANGE IN THE STATUS OF THE ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT AN INSTITUTION OF HIGHER EDUCATION BY A DOMESTIC VIOLENCE OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE, THE DIVISION SHALL NOTIFY EACH LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHICH IS AFFECTED BY SUCH CHANGE.

5. UPON RECEIPT OF CHANGE IN THE STATUS OF THE ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT AN INSTITUTION OF HIGHER EDUCATION BY A DOMESTIC VIOLENCE OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE, EACH LAW ENFORCEMENT AGENCY HAVING JURISDICTION SHALL ADHERE TO THE NOTIFICATION PROVISIONS SET FORTH IN THIS ARTICLE.

S 165-J. REGISTRATION FOR CHANGE OF ADDRESS FROM ANOTHER STATE. 1. A DOMESTIC VIOLENCE OFFENDER WHO HAS BEEN CONVICTED OF AN OFFENSE WHICH REQUIRES REGISTRATION UNDER THIS ARTICLE SHALL NOTIFY THE DIVISION OF THE NEW ADDRESS NO LATER THAN TEN CALENDAR DAYS AFTER SUCH DOMESTIC VIOLENCE OFFENDER ESTABLISHES RESIDENCE IN THIS STATE.

2. IF THE DIVISION DETERMINES THAT THE DOMESTIC VIOLENCE OFFENDER IS REQUIRED TO REGISTER, THE DIVISION SHALL NOTIFY THE DOMESTIC VIOLENCE OFFENDER OF HIS OR HER DUTY TO REGISTER UNDER THIS ARTICLE AND SHALL REQUIRE THE DOMESTIC VIOLENCE OFFENDER TO SIGN A FORM AS MAY BE REQUIRED BY THE DIVISION ACKNOWLEDGING THAT THE DUTY TO REGISTER AND THE PROCEDURE FOR REGISTRATION HAS BEEN EXPLAINED TO THE DOMESTIC VIOLENCE OFFENDER. THE DIVISION SHALL OBTAIN ON SUCH FORM THE ADDRESS WHERE THE DOMESTIC VIOLENCE OFFENDER EXPECTS TO RESIDE WITHIN THE STATE AND THE DOMESTIC VIOLENCE OFFENDER SHALL RETAIN ONE COPY OF THE FORM AND SEND TWO COPIES TO THE DIVISION WHICH SHALL PROVIDE THE INFORMATION TO THE

1 LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE DOMESTIC VIOLENCE
2 OFFENDER EXPECTS TO RESIDE WITHIN THIS STATE.

3 3. THE DIVISION SHALL UNDERTAKE AN INFORMATION CAMPAIGN DESIGNED TO
4 PROVIDE INFORMATION TO OFFICIALS AND APPROPRIATE INDIVIDUALS IN OTHER
5 STATES AND UNITED STATES POSSESSIONS CONCERNING THE NOTIFICATION PROCE-
6 DURES REQUIRED BY THIS ARTICLE. SUCH INFORMATION CAMPAIGN SHALL BE ONGO-
7 ING, AND SHALL INCLUDE, BUT NOT BE LIMITED TO, LETTERS, NOTICE FORMS AND
8 SIMILAR MATERIALS PROVIDING RELEVANT INFORMATION ABOUT THIS ARTICLE AND
9 THE SPECIFIC PROCEDURES REQUIRED TO EFFECT NOTIFICATION. SUCH MATERIALS
10 SHALL INCLUDE AN ADDRESS AND TELEPHONE NUMBER WHICH SUCH OFFICIALS AND
11 INDIVIDUALS IN OTHER STATES AND UNITED STATES POSSESSIONS MAY USE TO
12 OBTAIN ADDITIONAL INFORMATION.

13 S 165-K. SPECIAL TELEPHONE NUMBER. 1. PURSUANT TO SECTION ONE HUNDRED
14 SIXTY-FIVE-A OF THIS ARTICLE, THE DIVISION SHALL ALSO OPERATE A TELE-
15 PHONE NUMBER THAT MEMBERS OF THE PUBLIC MAY CALL FREE OF CHARGE AND
16 INQUIRE WHETHER A NAMED INDIVIDUAL IS REQUIRED TO REGISTER PURSUANT TO
17 THIS ARTICLE AND/OR IS SO REGISTERED. THE DIVISION SHALL ASCERTAIN
18 WHETHER A NAMED PERSON REASONABLY APPEARS TO BE A PERSON SO LISTED. THE
19 DIVISION SHALL DECIDE WHETHER THE NAMED PERSON REASONABLY APPEARS TO BE
20 A PERSON LISTED, BASED UPON INFORMATION FROM THE CALLER PROVIDING INFOR-
21 MATION THAT SHALL INCLUDE (A) AN EXACT STREET ADDRESS, INCLUDING APART-
22 MENT NUMBER, DRIVER'S LICENSE NUMBER OR BIRTH DATE, ALONG WITH ADDI-
23 TIONAL INFORMATION THAT MAY INCLUDE SOCIAL SECURITY NUMBER, HAIR COLOR,
24 EYE COLOR, HEIGHT, WEIGHT, DISTINCTIVE MARKINGS, ETHNICITY; OR (B) ANY
25 COMBINATION OF THE ABOVE LISTED CHARACTERISTICS IF AN EXACT BIRTH DATE
26 OR ADDRESS IS NOT AVAILABLE. IF THREE OF THE CHARACTERISTICS PROVIDED
27 INCLUDE ETHNICITY, HAIR COLOR, AND EYE COLOR, OTHER IDENTIFYING CHARAC-
28 TERISTICS SHALL BE PROVIDED. ANY INFORMATION IDENTIFYING THE VICTIM BY
29 NAME, BIRTH DATE, ADDRESS OR RELATION TO THE PERSON LISTED BY THE DIVI-
30 SION SHALL BE EXCLUDED BY THE DIVISION.

31 2. WHEN THE TELEPHONE NUMBER IS CALLED, A PREAMBLE SHALL BE PLAYED
32 WHICH SHALL PROVIDE THE FOLLOWING INFORMATION:

33 (A) NOTICE THAT THE CALLER'S TELEPHONE NUMBER WILL BE RECORDED;

34 (B) THAT THERE IS NO CHARGE FOR USE OF THE TELEPHONE NUMBER;

35 (C) NOTICE THAT THE CALLER IS REQUIRED TO IDENTIFY HIMSELF OR HERSELF
36 TO THE OPERATOR AND PROVIDE CURRENT ADDRESS AND SHALL BE MAINTAINED IN A
37 WRITTEN RECORD;

38 (D) NOTICE THAT THE CALLER IS REQUIRED TO BE EIGHTEEN YEARS OF AGE OR
39 OLDER;

40 (E) A WARNING THAT IT IS ILLEGAL TO USE INFORMATION OBTAINED THROUGH
41 THE TELEPHONE NUMBER TO COMMIT A CRIME AGAINST ANY PERSON LISTED OR TO
42 ENGAGE IN ILLEGAL DISCRIMINATION OR HARASSMENT AGAINST SUCH PERSON;

43 (F) NOTICE THAT THE CALLER IS REQUIRED TO HAVE THE BIRTH DATE, DRIV-
44 ER'S LICENSE OR IDENTIFICATION NUMBER, OR ADDRESS OR OTHER IDENTIFYING
45 INFORMATION REGARDING THE PERSON ABOUT WHOM INFORMATION IS SOUGHT IN
46 ORDER TO ACHIEVE A POSITIVE IDENTIFICATION OF THAT PERSON;

47 (G) A STATEMENT THAT THE NUMBER IS NOT A CRIME HOTLINE AND THAT ANY
48 SUSPECTED CRIMINAL ACTIVITY SHOULD BE REPORTED TO LOCAL AUTHORITIES; AND

49 (H) A STATEMENT THAT AN INFORMATION PACKAGE WHICH WILL INCLUDE A
50 DESCRIPTION OF THE LAW AND DOMESTIC VIOLENCE PREVENTION MATERIALS IS
51 AVAILABLE UPON REQUEST FROM THE DIVISION. SUCH INFORMATION PACKAGE SHALL
52 INCLUDE QUESTIONS AND ANSWERS REGARDING THE MOST COMMONLY ASKED QUES-
53 TIONS ABOUT THIS ARTICLE, AND CURRENT DOMESTIC VIOLENCE PREVENTION MATE-
54 RIAL.

55 3. (A) THE DIVISION SHALL ESTABLISH A PROGRAM ALLOWING NON-PROFIT AND
56 NOT-FOR-PROFIT YOUTH SERVICES ORGANIZATIONS TO PRE-REGISTER WITH THE

1 DIVISION FOR USE OF SUCH TELEPHONE NUMBER. PRE-REGISTRATION SHALL
2 INCLUDE THE IDENTIFICATION OF UP TO TWO OFFICIALS OF THE ORGANIZATION
3 WHO MAY CALL THE TELEPHONE NUMBER AND OBTAIN INFORMATION ON BEHALF OF
4 THE ORGANIZATION. A PRE-REGISTERED CERTIFICATE ISSUED UNDER THIS SUBDI-
5 VISION SHALL BE VALID FOR TWO YEARS, UNLESS EARLIER REVOKED BY THE DIVI-
6 SION FOR GOOD CAUSE SHOWN. NO FEE SHALL BE CHARGED TO AN APPLICANT FOR
7 THE ISSUANCE OF A PRE-REGISTERED CERTIFICATE PURSUANT TO THIS SUBDIVI-
8 SION.

9 (B) AN ORGANIZATION GRANTED A PRE-REGISTERED CERTIFICATE PURSUANT TO
10 THIS SUBDIVISION MAY, UPON CALLING THE TELEPHONE NUMBER, INQUIRE WHETHER
11 MULTIPLE NAMED INDIVIDUALS ARE LISTED ON THE DOMESTIC VIOLENCE OFFENDER
12 REGISTRY. NOTWITHSTANDING ANY PER CALL LIMITATION THE DIVISION MAY PLACE
13 ON CALLS BY PRIVATE INDIVIDUALS, THE DIVISION SHALL ALLOW SUCH PRE-RE-
14 GISTERED ORGANIZATIONS TO INQUIRE ABOUT UP TO TWENTY PROSPECTIVE COACH-
15 ES, LEADERS OR VOLUNTEERS IN EACH CALL TO THE TELEPHONE NUMBER.

16 (C) FOR PURPOSES OF THIS SUBDIVISION, "YOUTH SERVICES ORGANIZATION"
17 SHALL MEAN A FORMALIZED PROGRAM OPERATED BY A CORPORATION PURSUANT TO
18 SUBPARAGRAPH FIVE OF PARAGRAPH (A) OF SECTION ONE HUNDRED TWO OF THE
19 NOT-FOR-PROFIT CORPORATION LAW THAT FUNCTIONS PRIMARILY TO: (I) PROVIDE
20 CHILDREN THE OPPORTUNITY TO PARTICIPATE IN ADULT-SUPERVISED SPORTING
21 ACTIVITIES; OR (II) MATCH CHILDREN OR GROUPS OF CHILDREN WITH ADULT
22 VOLUNTEERS FOR THE PURPOSE OF PROVIDING CHILDREN WITH POSITIVE ROLE
23 MODELS TO ENHANCE THEIR DEVELOPMENT.

24 4. WHENEVER THERE IS REASONABLE CAUSE TO BELIEVE THAT ANY PERSON OR
25 GROUP OF PERSONS IS ENGAGED IN A PATTERN OR PRACTICE OF MISUSE OF THE
26 TELEPHONE NUMBER, THE ATTORNEY GENERAL, ANY DISTRICT ATTORNEY OR ANY
27 PERSON AGGRIEVED BY THE MISUSE OF THE NUMBER IS AUTHORIZED TO BRING A
28 CIVIL ACTION IN THE APPROPRIATE COURT REQUESTING PREVENTIVE RELIEF,
29 INCLUDING AN APPLICATION FOR A PERMANENT OR TEMPORARY INJUNCTION,
30 RESTRAINING ORDER OR OTHER ORDER AGAINST THE PERSON OR GROUP OF PERSONS
31 RESPONSIBLE FOR THE PATTERN OR PRACTICE OF MISUSE. THE FOREGOING REME-
32 DIES SHALL BE INDEPENDENT OF ANY OTHER REMEDIES OR PROCEDURES THAT MAY
33 BE AVAILABLE TO AN AGGRIEVED PARTY UNDER OTHER PROVISIONS OF LAW. SUCH
34 PERSON OR GROUP OF PERSONS SHALL BE SUBJECT TO A FINE OF NOT LESS THAN
35 FIVE HUNDRED DOLLARS AND NOT MORE THAN ONE THOUSAND DOLLARS.

36 5. THE DIVISION SHALL SUBMIT TO THE LEGISLATURE AN ANNUAL REPORT ON
37 THE OPERATION OF THE TELEPHONE NUMBER. THE ANNUAL REPORT SHALL INCLUDE,
38 BUT NOT BE LIMITED TO, ALL OF THE FOLLOWING:

39 (A) THE NUMBER OF CALLS RECEIVED;

40 (B) A DETAILED OUTLINE OF THE AMOUNT OF MONEY EXPENDED AND THE MANNER
41 IN WHICH IT WAS EXPENDED FOR PURPOSES OF THIS SECTION;

42 (C) THE NUMBER OF CALLS THAT RESULT IN AN AFFIRMATIVE RESPONSE AND THE
43 NUMBER OF CALLS THAT RESULTED IN A NEGATIVE RESPONSE WITH REGARD TO
44 WHETHER A NAMED INDIVIDUAL WAS LISTED;

45 (D) THE NUMBER OF PERSONS REGISTERED IN THE DOMESTIC VIOLENCE REGIS-
46 TRY; AND

47 (E) A SUMMARY OF THE SUCCESS OF THE TELEPHONE NUMBER PROGRAM BASED
48 UPON SELECTED FACTORS.

49 S 165-L. IMMUNITY FROM LIABILITY. 1. NO OFFICIAL, EMPLOYEE OR AGENCY,
50 WHETHER PUBLIC OR PRIVATE, SHALL BE SUBJECT TO ANY CIVIL OR CRIMINAL
51 LIABILITY FOR DAMAGES FOR ANY DISCRETIONARY DECISION TO RELEASE RELEVANT
52 AND NECESSARY INFORMATION PURSUANT TO THIS ARTICLE IF THAT OFFICIAL,
53 EMPLOYEE OR AGENCY ACTED REASONABLY AND IN GOOD FAITH. THE IMMUNITY
54 PROVIDED UNDER THIS SECTION APPLIES TO THE RELEASE OF RELEVANT INFORMA-
55 TION TO OTHER EMPLOYEES OR OFFICIALS OR TO THE GENERAL PUBLIC.

1 2. NOTHING IN THIS ARTICLE SHALL BE DEEMED TO IMPOSE ANY CIVIL OR
2 CRIMINAL LIABILITY UPON OR TO GIVE RISE TO A CAUSE OF ACTION AGAINST ANY
3 OFFICIAL, EMPLOYEE OR AGENCY, WHETHER PUBLIC OR PRIVATE, FOR FAILING TO
4 RELEASE INFORMATION AS AUTHORIZED IN THIS SECTION IF THAT OFFICIAL,
5 EMPLOYEE OR AGENCY ACTED REASONABLY AND IN GOOD FAITH.

6 S 165-M. ANNUAL REPORT. THE DIVISION SHALL ON OR BEFORE FEBRUARY FIRST
7 IN EACH YEAR SUBMIT A REPORT TO THE GOVERNOR AND THE LEGISLATURE DETAIL-
8 ING THE PROGRAM, COMPLIANCE WITH PROVISIONS OF THIS ARTICLE AND EFFEC-
9 TIVENESS OF THE PROVISIONS OF THIS ARTICLE, TOGETHER WITH ANY RECOMMEN-
10 DATIONS TO FURTHER ENHANCE THE INTENT OF THIS ARTICLE.

11 S 165-N. PENALTY. ANY DOMESTIC VIOLENCE OFFENDER REQUIRED TO REGISTER
12 OR TO VERIFY PURSUANT TO THE PROVISIONS OF THIS ARTICLE WHO FAILS TO
13 REGISTER OR VERIFY IN THE MANNER AND WITHIN THE TIME PERIODS PROVIDED
14 FOR IN THIS ARTICLE SHALL BE GUILTY OF A CLASS E FELONY UPON CONVICTION
15 FOR THE FIRST OFFENSE, AND UPON CONVICTION FOR A SECOND OR SUBSEQUENT
16 OFFENSE SHALL BE GUILTY OF A CLASS D FELONY. ANY SUCH FAILURE TO REGIS-
17 TER OR VERIFY MAY ALSO BE THE BASIS FOR REVOCATION OF PAROLE PURSUANT TO
18 SECTION TWO HUNDRED FIFTY-NINE-I OF THE EXECUTIVE LAW OR THE BASIS FOR
19 REVOCATION OF PROBATION PURSUANT TO ARTICLE FOUR HUNDRED TEN OF THE
20 CRIMINAL PROCEDURE LAW.

21 S 165-O. UNAUTHORIZED RELEASE OF INFORMATION. THE UNAUTHORIZED RELEASE
22 OF ANY INFORMATION REQUIRED BY THIS ARTICLE SHALL BE A CLASS B MISDEMEA-
23 NOR.

24 S 2. If any clause, sentence, paragraph, section or part of this
25 section shall be adjudged by any court of competent jurisdiction to be
26 invalid, such judgment shall not affect, impair or invalidate the
27 remainder thereof, but shall be confined in its operation to the clause,
28 sentence, paragraph, section or part thereof directly involved in the
29 controversy in which such judgment shall have been rendered.

30 S 3. This act shall take effect immediately.