S T A T E O F N E W Y O R K

5896

2011-2012 Regular Sessions

I N S E N A T E

September 28, 2011

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the correction law, in relation to enacting "Danielle DiMedici and Jessica Tush's Law"; and to amend the criminal procedure law, in relation to domestic abuse offenders

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

Section 1. The correction law is amended by adding a new article 6-D to read as follows:

ARTICLE 6-D

DANIELLE DIMEDICI AND JESSICA TUSH'S LAW

SECTION 169. SHORT TITLE.
169-A. DEFINITIONS.
169-B. DUTIES OF THE DIVISION; REGISTRATION INFORMATION.
169-C. DOMESTIC ABUSE OFFENDER; RELOCATION; NOTIFICATION.
169-D. DUTIES OF THE COURT.
169-E. DISCHARGE OF DOMESTIC ABUSE OFFENDER FROM CORRECTIONAL FACILITY; DUTIES OF OFFICIAL IN CHARGE.
169-F. DUTY TO REGISTER AND TO VERIFY.
169-G. PRIOR CONVICTIONS; DUTY TO INFORM AND REGISTER.
169-H. DURATION OF REGISTRATION AND VERIFICATION.
169-I. REGISTRATION AND VERIFICATION REQUIREMENTS.
169-J. NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGE OF ADDRESS.
169-K. REGISTRATION FOR CHANGE OF ADDRESS FROM ANOTHER STATE.
169-L. PETITION FOR RELIEF OR MODIFICATION.
169-M. SPECIAL TELEPHONE NUMBER.
169-N. DIRECTORY; INTERNET POSTING.
169-O. IMMUNITY FROM LIABILITY.
169-P. ANNUAL REPORT.
169-Q. PENALTY.

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

LBD08324-05-1

169-R. UNAUTHORIZED RELEASE OF INFORMATION.
169-S. SEPARABILITY.

S 169. SHORT TITLE. THIS ARTICLE SHALL BE KNOWN AND MAY BE CITED AS "DANIELLE DIMEDICI AND JESSICA TUSH'S LAW".

S 169-A. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING DEFINITIONS APPLY:

1. "DOMESTIC ABUSE OFFENDER" INCLUDES ANY PERSON WHO (A) IS CONVICTED OF ANY OF THE OFFENSES SET FORTH IN SUBDIVISION TWO OF THIS SECTION. CONVICTIONS THAT RESULT FROM OR ARE CONNECTED WITH THE SAME ACT, OR RESULT FROM OFFENSES COMMITTED AT THE SAME TIME, SHALL BE COUNTED FOR THE PURPOSE OF THIS ARTICLE AS ONE CONVICTION. ANY CONVICTION SET ASIDE PURSUANT TO LAW IS NOT A CONVICTION FOR PURPOSES OF THIS ARTICLE; OR (B) HAS BEEN DETERMINED BY THE COURT TO BE A DOMESTIC ABUSE OFFENDER BY A COURT PURSUANT TO SECTION 530.15 OR PARAGRAPH (H) OF SUBDIVISION ONE OF SECTION 530.12 OF THE CRIMINAL PROCEDURE LAW.

2. "DOMESTIC ABUSE OFFENSE" MEANS:

(A) DISORDERLY CONDUCT, HARASSMENT IN THE FIRST DEGREE, HARASSMENT IN THE SECOND DEGREE, AGGRAVATED HARASSMENT IN THE SECOND DEGREE, STALKING IN THE FIRST DEGREE, STALKING IN THE SECOND DEGREE, STALKING IN THE THIRD DEGREE, STALKING IN THE FOURTH DEGREE, CRIMINAL MISCHIEF, MENACING IN THE SECOND DEGREE, MENACING IN THE THIRD DEGREE, RECKLESS ENDANGERMENT, ASSAULT IN THE SECOND DEGREE, ASSAULT IN THE THIRD DEGREE OR AN ATTEMPTED ASSAULT BETWEEN SPOUSES OR FORMER SPOUSES, OR BETWEEN PARENT AND CHILD OR BETWEEN MEMBERS OF THE SAME FAMILY OR HOUSEHOLD EXCEPT THAT IF THE RESPONDENT WOULD NOT BE CRIMINALLY RESPONSIBLE BY REASON OF AGE PURSUANT TO SECTION 30.00 OF THE PENAL LAW. FOR PURPOSES OF THIS SECTION, "DISORDERLY CONDUCT" INCLUDES DISORDERLY CONDUCT NOT IN A PUBLIC PLACE; OR

(B) A CONVICTION OF (I) AN OFFENSE IN ANY OTHER JURISDICTION WHICH INCLUDES ALL OF THE ESSENTIAL ELEMENTS OF ANY SUCH CRIME PROVIDED FOR IN PARAGRAPH (A) OF THIS SUBDIVISION OR (II) A FELONY IN ANY OTHER JURISDICTION FOR WHICH THE OFFENDER IS REQUIRED TO REGISTER AS A DOMESTIC ABUSE OFFENDER IN THE JURISDICTION IN WHICH THE CONVICTION OCCURRED, PROVIDED THAT THE ELEMENTS OF SUCH CRIME OF CONVICTION ARE SUBSTANTIALLY THE SAME AS THOSE WHICH ARE A PART OF SUCH OFFENSE AS OF THE DATE ON WHICH THIS SECTION TAKES EFFECT.

3. FOR PURPOSES OF THIS SECTION, "MEMBERS OF THE SAME FAMILY OR HOUSEHOLD" WITH RESPECT TO A PROCEEDING IN THE CRIMINAL COURTS SHALL MEAN THE FOLLOWING:

(A) PERSONS RELATED BY CONSANGUINITY OR AFFINITY;

(B) PERSONS LEGALLY MARRIED TO ONE ANOTHER;

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

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

(E) PERSONS WHO ARE NOT RELATED BY CONSANGUINITY OR AFFINITY AND WHO ARE OR HAVE BEEN IN AN INTIMATE RELATIONSHIP REGARDLESS OF WHETHER SUCH PERSONS HAVE LIVED TOGETHER AT ANY TIME. FACTORS THE COURT MAY CONSIDER IN DETERMINING WHETHER A RELATIONSHIP IS AN "INTIMATE RELATIONSHIP" INCLUDE BUT ARE NOT LIMITED TO: THE NATURE OR TYPE OF RELATIONSHIP, REGARDLESS OF WHETHER THE RELATIONSHIP IS SEXUAL IN NATURE; THE FREQUENCY OF INTERACTION BETWEEN THE PERSONS; AND THE DURATION OF THE RELATIONSHIP. NEITHER A CASUAL ACQUAINTANCE NOR ORDINARY FRATERNIZATION BETWEEN TWO INDIVIDUALS IN BUSINESS OR SOCIAL CONTEXTS SHALL BE DEEMED TO CONSTITUTE AN "INTIMATE RELATIONSHIP"; AND

(F) PERSONS RESIDING TOGETHER CONTINUALLY OR AT REGULAR INTERVALS, CURRENTLY OR IN THE PAST.

4. "LAW ENFORCEMENT AGENCY HAVING JURISDICTION" MEANS:

(A) (I) THE CHIEF LAW ENFORCEMENT OFFICER IN THE VILLAGE, TOWN OR CITY IN WHICH THE DOMESTIC ABUSE OFFENDER EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE, PROBATION, PAROLE, RELEASE TO POST-RELEASE SUPERVISION OR UPON ANY FORM OF STATE OR LOCAL CONDITIONAL RELEASE; OR (II) IF THERE BE NO CHIEF LAW ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN OR CITY, THE CHIEF LAW ENFORCEMENT OFFICER OF THE COUNTY IN WHICH THE OFFENDER EXPECTS TO RESIDE; OR (III) IF THERE BE NO CHIEF ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN, CITY OR COUNTY, THE DIVISION OF STATE POLICE; AND

(B) IN THE CASE OF A DOMESTIC ABUSE OFFENDER WHO IS OR EXPECTS TO BE EMPLOYED BY, ENROLLED IN, ATTENDING OR EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AT AN INSTITUTION OF HIGHER EDUCATION: (I) THE CHIEF LAW ENFORCEMENT OFFICER IN THE VILLAGE, TOWN OR CITY IN WHICH SUCH INSTITUTION IS LOCATED; OR (II) IF THERE BE NO CHIEF LAW ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN OR CITY, THE CHIEF LAW ENFORCEMENT OFFICER OF THE COUNTY IN WHICH SUCH INSTITUTION IS LOCATED; OR (III) IF THERE BE NO CHIEF LAW ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN, CITY OR COUNTY, THE DIVISION OF STATE POLICE; AND (IV) IF SUCH INSTITUTION OPERATES OR EMPLOYS A CAMPUS LAW ENFORCEMENT OR SECURITY AGENCY, THE CHIEF OF SUCH AGENCY.

5. "DIVISION" MEANS THE DIVISION OF CRIMINAL JUSTICE SERVICES AS DEFINED BY SECTION EIGHT HUNDRED THIRTY-FIVE OF THE EXECUTIVE LAW.

6. "LOCAL CORRECTIONAL FACILITY" MEANS A LOCAL CORRECTIONAL FACILITY AS THAT TERM IS DEFINED IN SUBDIVISION SIXTEEN OF SECTION TWO OF THIS CHAPTER.

7. "PROBATION" MEANS A SENTENCE OF PROBATION IMPOSED PURSUANT TO ARTICLE SIXTY-FIVE OF THE PENAL LAW AND SHALL INCLUDE A SENTENCE OF IMPRISONMENT IMPOSED IN CONJUNCTION WITH A SENTENCE OF PROBATION.

8. "NONRESIDENT WORKER" MEANS ANY PERSON REQUIRED TO REGISTER AS A DOMESTIC ABUSE OFFENDER IN ANOTHER JURISDICTION WHO IS EMPLOYED OR CARRIES ON A VOCATION IN THIS STATE, ON EITHER A FULL-TIME OR A PART-TIME BASIS, WITH OR WITHOUT COMPENSATION, FOR MORE THAN FOURTEEN CONSECUTIVE DAYS, OR FOR AN AGGREGATE PERIOD EXCEEDING THIRTY DAYS IN A CALENDAR YEAR.

9. "NONRESIDENT STUDENT" MEANS A PERSON REQUIRED TO REGISTER AS A DOMESTIC ABUSE OFFENDER IN ANOTHER JURISDICTION WHO IS ENROLLED ON A FULL-TIME OR PART-TIME BASIS IN ANY PUBLIC OR PRIVATE EDUCATIONAL INSTITUTION IN THIS STATE INCLUDING ANY SECONDARY SCHOOL, TRADE OR PROFESSIONAL INSTITUTION OR INSTITUTION OF HIGHER EDUCATION.

S 169-B. DUTIES OF THE DIVISION; REGISTRATION INFORMATION. 1. THE DIVISION SHALL ESTABLISH AND MAINTAIN A FILE OF INDIVIDUALS REQUIRED TO REGISTER PURSUANT TO THE PROVISIONS OF THIS ARTICLE WHICH SHALL INCLUDE THE FOLLOWING INFORMATION OF EACH REGISTRANT:

(A) THE DOMESTIC ABUSE OFFENDER'S NAME, ALL ALIASES USED, DATE OF BIRTH, SEX, RACE, HEIGHT, WEIGHT, EYE COLOR, DRIVER'S LICENSE NUMBER, AND HOME ADDRESS AND/OR EXPECTED PLACE OF DOMICILE.

(B) A PHOTOGRAPH AND SET OF FINGERPRINTS.

(C) A DESCRIPTION OF THE OFFENSE FOR WHICH THE DOMESTIC ABUSE OFFENDER WAS CONVICTED, THE DATE OF CONVICTION AND THE SENTENCE IMPOSED.

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

(E) ANY OTHER INFORMATION DEEMED PERTINENT BY THE DIVISION.

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

(B) THE DIVISION SHALL REQUIRE THAT NO INFORMATION INCLUDED IN THE REGISTRY SHALL BE MADE AVAILABLE EXCEPT IN THE FURTHERANCE OF THE PROVISIONS OF THIS ARTICLE.

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

4. THE DIVISION SHALL MAIL A NONFORWARDABLE VERIFICATION FORM TO THE LAST REPORTED ADDRESS OF THE PERSON FOR ANNUAL VERIFICATION REQUIREMENTS.

5. THE DIVISION SHALL ESTABLISH AND OPERATE A TELEPHONE NUMBER AS PROVIDED FOR IN SECTION ONE HUNDRED SIXTY-NINE-M OF THIS ARTICLE.

6. THE DIVISION SHALL ESTABLISH A DIRECTORY PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-N OF THIS ARTICLE.

7. THE DIVISION SHALL ESTABLISH A PUBLIC AWARENESS CAMPAIGN TO ADVISE THE PUBLIC OF THE PROVISIONS OF THIS ARTICLE.

8. (A) THE DIVISION SHALL CHARGE AN ADMINISTRATIVE FEE TO A DOMESTIC ABUSE OFFENDER TO COVER THE COST OF INCLUSION ON THE REGISTRY. SUCH FEE SHALL BE SET AT A REASONABLE RATE TO BE DETERMINED PERIODICALLY BY THE DIVISION.

(B) THE DIVISION SHALL CHARGE A FEE OF TEN DOLLARS EACH TIME A DOMESTIC ABUSE OFFENDER REGISTERS ANY CHANGE OF ADDRESS OR ANY CHANGE OF HIS OR HER STATUS OF ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF HIGHER EDUCATION AS REQUIRED BY SUBDIVISION THREE OF SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE. THE FEE SHALL BE PAID TO THE DIVISION BY THE DOMESTIC ABUSE OFFENDER. THE STATE COMPTROLLER IS HEREBY AUTHORIZED TO DEPOSIT SUCH FEES INTO THE GENERAL FUND.

S 169-C. DOMESTIC ABUSE OFFENDER; RELOCATION; NOTIFICATION. 1. IN THE CASE OF ANY DOMESTIC ABUSE OFFENDER, IT SHALL BE THE DUTY OF THE DEPARTMENT OR LOCAL CORRECTIONAL FACILITY AT LEAST TEN CALENDAR DAYS PRIOR TO THE RELEASE OR DISCHARGE OF ANY DOMESTIC ABUSE OFFENDER FROM A CORRECTIONAL FACILITY OR LOCAL CORRECTIONAL FACILITY TO NOTIFY THE DIVISION OF THE CONTEMPLATED RELEASE OR DISCHARGE OF SUCH DOMESTIC ABUSE OFFENDER, INFORMING THE DIVISION IN WRITING ON A FORM PROVIDED BY THE DIVISION INDICATING THE ADDRESS AT WHICH HE OR SHE PROPOSES TO RESIDE AND THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION AT WHICH HE OR SHE EXPECTS TO BE ENROLLED, ATTENDING OR EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND WHETHER HE OR SHE RESIDES IN OR WILL RESIDE IN A FACILITY OWNED OR OPERATED BY SUCH INSTITUTION. IF SUCH DOMESTIC ABUSE OFFENDER CHANGES HIS OR HER PLACE OF RESIDENCE WHILE ON PAROLE, SUCH NOTIFICATION OF THE CHANGE OF RESIDENCE SHALL BE SENT BY THE DOMESTIC ABUSE OFFENDER'S PAROLE OFFICER WITHIN FORTY-EIGHT HOURS TO THE DIVISION ON A FORM PROVIDED BY THE DIVISION. IF SUCH DOMESTIC ABUSE OFFENDER CHANGES THE STATUS OF HIS OR HER ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF HIGHER EDUCATION WHILE ON PAROLE, SUCH NOTIFICATION OF THE CHANGE OF STATUS SHALL BE SENT BY THE DOMESTIC ABUSE OFFENDER'S PAROLE OFFICER WITHIN FORTY-EIGHT HOURS TO THE DIVISION ON A FORM PROVIDED BY THE DIVISION.

2. IN THE CASE OF ANY DOMESTIC ABUSE OFFENDER ON PROBATION, IT SHALL BE THE DUTY OF THE DOMESTIC ABUSE OFFENDER'S PROBATION OFFICER TO NOTIFY THE DIVISION WITHIN FORTY-EIGHT HOURS OF THE NEW PLACE OF RESIDENCE ON A FORM PROVIDED BY THE DIVISION. IF SUCH DOMESTIC ABUSE OFFENDER CHANGES THE STATUS OF HIS OR HER ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF HIGHER EDUCATION WHILE ON PROBATION, SUCH NOTIFICATION OF THE CHANGE OF STATUS SHALL BE SENT BY THE DOMESTIC ABUSE OFFENDER'S PROBATION OFFICER WITHIN FORTY-EIGHT HOURS TO THE DIVISION ON A FORM PROVIDED BY THE DIVISION.

3. IN THE CASE IN WHICH ANY DOMESTIC ABUSE OFFENDER ESCAPES FROM A STATE OR LOCAL CORRECTIONAL FACILITY, THE DESIGNATED OFFICIAL OF THE FACILITY WHERE THE DOMESTIC ABUSE OFFENDER WAS CONFINED SHALL NOTIFY WITHIN TWENTY-FOUR HOURS THE LAW ENFORCEMENT AGENCY HAVING HAD JURISDICTION AT THE TIME OF HIS OR HER CONVICTION, INFORMING SUCH LAW ENFORCEMENT AGENCY OF THE NAME AND ALIASES OF THE DOMESTIC ABUSE OFFENDER, AND THE ADDRESS AT WHICH HE OR SHE RESIDED AT THE TIME OF HIS OR HER CONVICTION, THE AMOUNT OF TIME REMAINING TO BE SERVED, IF ANY, ON THE FULL TERM FOR WHICH HE OR SHE WAS SENTENCED, AND THE NATURE OF THE CRIME FOR WHICH HE OR SHE WAS SENTENCED, TRANSMITTING AT THE SAME TIME A COPY OF SUCH DOMESTIC ABUSE OFFENDER'S FINGERPRINTS AND PHOTOGRAPH AND A SUMMARY OF HIS OR HER CRIMINAL RECORD.

4. THE DIVISION SHALL PROVIDE GENERAL INFORMATION, IN REGISTRATION MATERIALS AND ANNUAL CORRESPONDENCE, TO REGISTRANTS CONCERNING NOTIFICATION AND REGISTRATION PROCEDURES THAT MAY APPLY IF THE REGISTRANT IS AUTHORIZED TO RELOCATE AND RELOCATES TO ANOTHER STATE OR UNITED STATES POSSESSION, OR COMMENCES EMPLOYMENT OR ATTENDANCE AT AN EDUCATIONAL INSTITUTION IN ANOTHER STATE OR UNITED STATES POSSESSION. SUCH INFORMATION SHALL INCLUDE ADDRESSES AND TELEPHONE NUMBERS FOR RELEVANT AGENCIES FROM WHICH ADDITIONAL INFORMATION MAY BE OBTAINED.

S 169-D. DUTIES OF THE COURT. 1. UPON CONVICTION OF ANY OF THE OFFENSES SET FORTH IN SUBDIVISION TWO OF SECTION ONE HUNDRED SIXTY-NINE-A OF THIS ARTICLE THE COURT SHALL CERTIFY THAT THE PERSON IS A DOMESTIC ABUSE OFFENDER AND SHALL INCLUDE THE CERTIFICATION IN THE JUDGMENT OF CONVICTION. THE COURT SHALL ALSO ADVISE THE DOMESTIC ABUSE OFFENDER OF HIS OR HER DUTIES UNDER THIS ARTICLE. FAILURE TO INCLUDE THE CERTIFICATION IN THE JUDGMENT OF CONVICTION SHALL NOT RELIEVE A DOMESTIC ABUSE OFFENDER OF THE OBLIGATIONS IMPOSED BY THIS ARTICLE.

2. ANY DOMESTIC ABUSE OFFENDER WHO HAS BEEN CONVICTED OF A VIOLENT FELONY OR TWO OR MORE MISDEMEANORS AGAINST A PERSON WHO IS A MEMBER OF SUCH OFFENDER'S FAMILY OR HOUSEHOLD AS DEFINED IN SECTION 530.12 OF THE CRIMINAL PROCEDURE LAW, WHO IS RELEASED ON PROBATION OR DISCHARGED UPON PAYMENT OF A FINE, CONDITIONAL DISCHARGE OR UNCONDITIONAL DISCHARGE SHALL, PRIOR TO SUCH RELEASE OR DISCHARGE, BE INFORMED OF HIS OR HER DUTY TO REGISTER UNDER THIS ARTICLE BY THE COURT IN WHICH HE OR SHE WAS CONVICTED. AT THE TIME SENTENCE IS IMPOSED, SUCH DOMESTIC ABUSE OFFENDER SHALL REGISTER WITH THE DIVISION ON A FORM PREPARED BY THE DIVISION. THE COURT SHALL REQUIRE THE DOMESTIC ABUSE OFFENDER TO READ AND SIGN SUCH FORM AND TO COMPLETE THE REGISTRATION PORTION OF SUCH FORM. THE COURT SHALL ON SUCH FORM OBTAIN THE ADDRESS WHERE THE DOMESTIC ABUSE OFFENDER EXPECTS TO RESIDE UPON HIS OR HER RELEASE, AND THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION HE OR SHE EXPECTS TO BE EMPLOYED BY, ENROLLED IN, ATTENDING OR EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND WHETHER HE OR SHE EXPECTS TO RESIDE IN A FACILITY OWNED OR OPERATED BY SUCH AN INSTITUTION, AND SHALL REPORT SUCH INFORMATION TO THE DIVISION. THE COURT SHALL GIVE ONE COPY OF THE FORM TO THE DOMESTIC ABUSE OFFENDER AND SHALL SEND TWO COPIES TO THE DIVISION WHICH SHALL FORWARD THE INFOR-

MATION TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION. WHERE THE COURT ORDERS A DOMESTIC ABUSE OFFENDER RELEASED ON PROBATION, SUCH ORDER MUST INCLUDE A PROVISION REQUIRING THAT HE OR SHE COMPLY WITH THE REQUIREMENTS OF THIS ARTICLE. WHERE SUCH DOMESTIC ABUSE OFFENDER VIOLATES SUCH PROVISION, PROBATION MAY BE IMMEDIATELY REVOKED IN THE MANNER PROVIDED BY ARTICLE FOUR HUNDRED TEN OF THE CRIMINAL PROCEDURE LAW.

3. NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IT SHALL BE IN THE COURTS DISCRETION TO REQUIRE AN OFFENDER TO REGISTER PURSUANT TO THIS ARTICLE. IN DETERMINING WHETHER AN OFFENDER SHOULD BE ON THE REGISTRY, A JUDGE SHALL CONSIDER, AMONG OTHER THINGS, WHETHER THE OFFENDER IS A VICTIM WHO WAS DEFENDING HIMSELF OR HERSELF AND THE OFFENDER'S HISTORY OF AND PROPENSITY FOR VIOLENCE. IN ADDITION, A JUDGE MAY REQUIRE A THREAT ASSESSMENT OF FUTURE RISK, UTILIZING METHODS SUCH AS A DOMESTIC VIOLENCE MOSAIC, A DANGER ASSESSMENT, A DOMESTIC VIOLENCE SCREENING INSTRUMENT OR A KINGSTON SCREENING INSTRUMENT FOR DOMESTIC VIOLENCE.

4. THE COURT SHALL PROVIDE REASONABLE OPPORTUNITY TO A VICTIM TO OBJECT TO AN OFFENDER'S INCLUSION IN THE REGISTRY AND SHALL TAKE SUCH INFORMATION INTO ACCOUNT WHILE DETERMINING THE OFFENDER'S INCLUSION PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

S 169-E. DISCHARGE OF DOMESTIC ABUSE OFFENDER FROM CORRECTIONAL FACILITY; DUTIES OF OFFICIAL IN CHARGE. 1. ANY DOMESTIC ABUSE OFFENDER, TO BE DISCHARGED, PAROLED, RELEASED TO POST-RELEASE SUPERVISION OR RELEASED FROM ANY STATE OR LOCAL CORRECTIONAL FACILITY, SHALL AT LEAST FIFTEEN CALENDAR DAYS PRIOR TO DISCHARGE, PAROLE OR RELEASE, BE INFORMED OF HIS OR HER DUTY TO REGISTER UNDER THIS ARTICLE, BY THE FACILITY IN WHICH HE OR SHE WAS CONFINED. THE FACILITY SHALL REQUIRE THE DOMESTIC ABUSE OFFENDER TO READ AND SIGN SUCH FORM AS MAY BE REQUIRED BY THE DIVISION STATING THE DUTY TO REGISTER AND THE PROCEDURE FOR REGISTRATION HAS BEEN EXPLAINED TO HIM OR HER AND TO COMPLETE THE REGISTRATION PORTION OF SUCH FORM. THE FACILITY SHALL OBTAIN ON SUCH FORM THE ADDRESS WHERE THE DOMESTIC ABUSE OFFENDER EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE, PAROLE OR RELEASE AND THE NAME AND ADDRESS OF ANY INSTITUTION OF HIGHER EDUCATION HE OR SHE EXPECTS TO BE EMPLOYED BY, ENROLLED IN, ATTENDING OR EMPLOYED, WHETHER FOR COMPENSATION OR NOT, AND WHETHER HE OR SHE EXPECTS TO RESIDE IN A FACILITY OWNED OR OPERATED BY SUCH AN INSTITUTION, AND SHALL REPORT SUCH INFORMATION TO THE DIVISION. THE FACILITY SHALL GIVE ONE COPY OF THE FORM TO THE DOMESTIC ABUSE OFFENDER, RETAIN ONE COPY AND SHALL SEND ONE COPY TO THE DIVISION WHICH SHALL PROVIDE THE INFORMATION TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION. THE FACILITY SHALL GIVE THE DOMESTIC ABUSE OFFENDER A FORM PREPARED BY THE DIVISION, TO REGISTER WITH THE DIVISION AT LEAST FIFTEEN CALENDAR DAYS PRIOR TO RELEASE AND SUCH FORM SHALL BE COMPLETED, SIGNED BY THE DOMESTIC ABUSE OFFENDER AND SENT TO THE DIVISION BY THE FACILITY AT LEAST TEN DAYS PRIOR TO THE DOMESTIC ABUSE OFFENDER'S RELEASE OR DISCHARGE.

2. THE DIVISION SHALL ALSO IMMEDIATELY TRANSMIT THE CONVICTION DATA AND FINGERPRINTS TO THE FEDERAL BUREAU OF INVESTIGATION IF NOT ALREADY OBTAINED.

S 169-F. DUTY TO REGISTER AND TO VERIFY. 1. ANY DOMESTIC ABUSE OFFENDER SHALL (A) AT LEAST TEN CALENDAR DAYS PRIOR TO DISCHARGE, PAROLE, RELEASE TO POST-RELEASE SUPERVISION OR RELEASE FROM ANY STATE OR LOCAL CORRECTIONAL FACILITY WHERE HE OR SHE WAS CONFINED, OR (B) IF RELEASED ON PROBATION OR DISCHARGED UPON PAYMENT OF A FINE, CONDITIONAL DISCHARGE OR UNCONDITIONAL DISCHARGE, AT THE TIME SENTENCE IS IMPOSED, REGISTER WITH THE DIVISION ON A FORM PREPARED BY THE DIVISION.

2. ANY DOMESTIC ABUSE OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE SHALL ON OR BEFORE EACH ANNIVERSARY OF THE DOMESTIC ABUSE OFFENDER'S INITIAL REGISTRATION DATE DURING THE PERIOD IN WHICH HE OR SHE IS REQUIRED TO REGISTER VERIFY THAT HE OR SHE STILL RESIDES AT THE ADDRESS LAST REPORTED TO THE DIVISION.

3. ANY DOMESTIC ABUSE OFFENDER SHALL REGISTER WITH THE DIVISION NO LATER THAN TEN CALENDAR DAYS AFTER ANY CHANGE OF ADDRESS OR ANY CHANGE OF HIS OR HER STATUS OF ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF HIGHER EDUCATION. A FEE OF TEN DOLLARS, AS AUTHORIZED BY SUBDIVISION EIGHT OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, SHALL BE SUBMITTED BY THE DOMESTIC ABUSE OFFENDER EACH TIME SUCH DOMESTIC ABUSE OFFENDER REGISTERS ANY CHANGE OF ADDRESS OR ANY CHANGE OF HIS OR HER STATUS OF ENROLLMENT, ATTENDANCE, EMPLOYMENT OR RESIDENCE AT ANY INSTITUTION OF HIGHER EDUCATION. ANY FAILURE OR OMISSION TO SUBMIT THE REQUIRED FEE SHALL NOT AFFECT THE ACCEPTANCE BY THE DIVISION OF THE CHANGE OF ADDRESS OR CHANGE OF STATUS.

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

5. ANY NONRESIDENT WORKER OR NONRESIDENT STUDENT, AS DEFINED IN SUBDIVISIONS EIGHT AND NINE OF SECTION ONE HUNDRED SIXTY-NINE-A OF THIS ARTICLE, SHALL REGISTER HIS OR HER CURRENT ADDRESS AND THE ADDRESS OF HIS OR HER PLACE OF EMPLOYMENT OR EDUCATIONAL INSTITUTION ATTENDED WITH THE DIVISION WITHIN TEN CALENDAR DAYS AFTER SUCH NONRESIDENT WORKER OR NONRESIDENT STUDENT COMMENCES EMPLOYMENT OR ATTENDANCE AT AN EDUCATIONAL INSTITUTION IN THE STATE. ANY NONRESIDENT WORKER OR NONRESIDENT STUDENT SHALL NOTIFY THE DIVISION OF ANY CHANGE OF RESIDENCE, EMPLOYMENT OR EDUCATIONAL INSTITUTION ADDRESS NO LATER THAN TEN DAYS AFTER SUCH CHANGE. THE DIVISION SHALL NOTIFY THE LAW ENFORCEMENT AGENCY WHERE THE NONRESIDENT WORKER IS EMPLOYED OR THE EDUCATIONAL INSTITUTION IS LOCATED THAT A NONRESIDENT WORKER OR NONRESIDENT STUDENT IS PRESENT IN THAT AGENCY'S JURISDICTION.

S 169-G. PRIOR CONVICTIONS; DUTY TO INFORM AND REGISTER. 1. EVERY DOMESTIC ABUSE OFFENDER WHO ON THE EFFECTIVE DATE OF THIS ARTICLE IS THEN ON PAROLE OR PROBATION FOR AN OFFENSE PROVIDED FOR IN SUBDIVISION TWO OF SECTION ONE HUNDRED SIXTY-NINE-A OF THIS ARTICLE SHALL WITHIN THIRTY CALENDAR DAYS OF SUCH EFFECTIVE DATE REGISTER WITH HIS OR HER PAROLE OR PROBATION OFFICER. ANY DOMESTIC ABUSE OFFENDER WHO FAILS OR REFUSES TO SO COMPLY SHALL BE SUBJECT TO THE SAME PENALTIES AS OTHERWISE PROVIDED FOR IN THIS ARTICLE WHICH WOULD BE IMPOSED UPON A DOMESTIC ABUSE OFFENDER WHO FAILS OR REFUSES TO SO COMPLY WITH THE PROVISIONS OF THIS ARTICLE ON OR AFTER SUCH EFFECTIVE DATE.

2. IT SHALL BE THE DUTY OF THE PAROLE OR PROBATION OFFICER TO INFORM AND REGISTER SUCH DOMESTIC ABUSE OFFENDER ACCORDING TO THE REQUIREMENTS IMPOSED BY THIS ARTICLE. A PAROLE OR PROBATION OFFICER SHALL GIVE ONE COPY OF THE FORM TO THE DOMESTIC ABUSE 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 ABUSE OFFENDER RESIDES UPON HIS OR HER PAROLE, PROBATION, OR UPON ANY FORM OF STATE OR LOCAL CONDITIONAL RELEASE.

S 169-H. DURATION OF REGISTRATION AND VERIFICATION. THE DURATION OF REGISTRATION AND VERIFICATION FOR A DOMESTIC ABUSE OFFENDER SHALL BE FOR A PERIOD OF FIVE TO TEN YEARS FROM THE INITIAL DATE OF REGISTRATION, AS DETERMINED BY THE COURT, OR WHILE A PERMANENT ORDER OF PROTECTION EXISTS AGAINST THE DOMESTIC ABUSE OFFENDER.

S 169-I. REGISTRATION AND VERIFICATION REQUIREMENTS. REGISTRATION AND VERIFICATION AS REQUIRED BY THIS ARTICLE SHALL CONSIST OF A STATEMENT IN WRITING SIGNED BY THE DOMESTIC ABUSE 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 169-J. NOTIFICATION OF LOCAL LAW ENFORCEMENT AGENCIES OF CHANGE OF ADDRESS. 1. UPON RECEIPT OF A CHANGE OF ADDRESS BY A DOMESTIC ABUSE OFFENDER REQUIRED TO REGISTER UNDER THIS ARTICLE, THE DIVISION SHALL NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION OF THE NEW PLACE OF RESIDENCE AND THE LOCAL LAW ENFORCEMENT AGENCY WHERE THE DOMESTIC ABUSE OFFENDER LAST RESIDED OF THE NEW PLACE OF RESIDENCE.

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

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

S 169-K. REGISTRATION FOR CHANGE OF ADDRESS FROM ANOTHER STATE. 1. A DOMESTIC ABUSE OFFENDER WHO HAS BEEN CONVICTED OF AN OFFENSE WHICH REQUIRES REGISTRATION UNDER PARAGRAPH (B) OF SUBDIVISION TWO OF SECTION ONE HUNDRED SIXTY-NINE-A OF THIS ARTICLE SHALL NOTIFY THE DIVISION OF THE NEW ADDRESS NO LATER THAN TEN CALENDAR DAYS AFTER SUCH DOMESTIC ABUSE OFFENDER ESTABLISHES RESIDENCE IN THIS STATE.

2. THE DIVISION SHALL UNDERTAKE AN INFORMATION CAMPAIGN DESIGNED TO PROVIDE INFORMATION TO OFFICIALS AND APPROPRIATE INDIVIDUALS IN OTHER STATES AND UNITED STATES POSSESSIONS CONCERNING THE NOTIFICATION PROCEDURES REQUIRED BY THIS ARTICLE. SUCH INFORMATION CAMPAIGN SHALL BE ONGOING, AND SHALL INCLUDE, BUT NOT BE LIMITED TO, LETTERS, NOTICE FORMS AND SIMILAR MATERIALS PROVIDING RELEVANT INFORMATION ABOUT THIS ARTICLE AND THE SPECIFIC PROCEDURES REQUIRED TO EFFECT NOTIFICATION. SUCH MATERIALS SHALL INCLUDE AN ADDRESS AND TELEPHONE NUMBER WHICH SUCH OFFICIALS AND INDIVIDUALS IN OTHER STATES AND UNITED STATES POSSESSIONS MAY USE TO OBTAIN ADDITIONAL INFORMATION.

S 169-L. PETITION FOR RELIEF OR MODIFICATION. ANY DOMESTIC ABUSE OFFENDER WHO IS REQUIRED TO REGISTER OR VERIFY PURSUANT TO THIS ARTICLE AND WHO HAS BEEN REGISTERED FOR A MINIMUM PERIOD OF THIRTY YEARS MAY BE RELIEVED OF ANY FURTHER DUTY TO REGISTER UPON THE GRANTING OF A PETITION FOR RELIEF BY THE SENTENCING COURT OR BY THE COURT WHICH MADE THE DETERMINATION REGARDING DURATION OF REGISTRATION AND LEVEL OF NOTIFICATION. THE OFFENDER SHALL BEAR THE BURDEN OF PROVING BY CLEAR AND CONVINCING EVIDENCE THAT HIS OR HER RISK OF REPEAT OFFENSE AND THREAT TO PUBLIC SAFETY IS SUCH THAT REGISTRATION OR VERIFICATION IS NO LONGER NECESSARY. SUCH PETITION, IF GRANTED, SHALL NOT RELIEVE THE PETITIONER OF THE DUTY TO REGISTER PURSUANT TO THIS ARTICLE UPON CONVICTION OF ANY OFFENSE REQUIRING REGISTRATION IN THE FUTURE. SUCH A PETITION SHALL NOT BE CONSIDERED MORE THAN ONCE EVERY TWO YEARS. IN THE EVENT THAT THE DOMESTIC ABUSE OFFENDER'S PETITION FOR RELIEF IS GRANTED, THE DISTRICT ATTORNEY MAY APPEAL AS OF RIGHT FROM THE ORDER PURSUANT TO THE PROVISIONS OF ARTICLES FIFTY-FIVE, FIFTY-SIX AND FIFTY-SEVEN OF THE CIVIL PRACTICE LAW AND RULES. WHERE COUNSEL HAS BEEN ASSIGNED TO REPRESENT THE DOMESTIC ABUSE OFFENDER UPON THE GROUND THAT THE DOMESTIC ABUSE OFFENDER IS FINANCIALLY UNABLE TO RETAIN COUNSEL, THAT ASSIGNMENT SHALL BE CONTINUED THROUGHOUT THE PENDENCY OF THE APPEAL, AND THE PERSON MAY APPEAL AS A POOR PERSON PURSUANT TO ARTICLE EIGHTEEN-B OF THE COUNTY LAW.

S 169-M. SPECIAL TELEPHONE NUMBER. 1. PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, THE DIVISION SHALL OPERATE A TELEPHONE NUMBER THAT MEMBERS OF THE PUBLIC MAY CALL FREE OF CHARGE AND INQUIRE WHETHER A NAMED INDIVIDUAL REQUIRED TO REGISTER PURSUANT TO THIS ARTICLE IS LISTED. THE DIVISION SHALL ASCERTAIN WHETHER A NAMED PERSON REASONABLY APPEARS TO BE A PERSON SO LISTED AND PROVIDE THE CALLER WITH THE RELEVANT INFORMATION. THE DIVISION SHALL DECIDE WHETHER THE NAMED PERSON REASONABLY APPEARS TO BE A PERSON LISTED, BASED UPON INFORMATION FROM THE CALLER PROVIDING INFORMATION THAT SHALL INCLUDE (A) AN EXACT STREET ADDRESS, INCLUDING APARTMENT NUMBER, DRIVER'S LICENSE NUMBER OR BIRTH DATE, ALONG WITH ADDITIONAL INFORMATION THAT MAY INCLUDE SOCIAL SECURITY NUMBER, HAIR COLOR, EYE COLOR, HEIGHT, WEIGHT, DISTINCTIVE MARKINGS, ETHNICITY; OR (B) ANY COMBINATION OF THE ABOVE LISTED CHARACTERISTICS IF AN EXACT BIRTH DATE OR ADDRESS IS NOT AVAILABLE. IF THREE OF THE CHARACTERISTICS PROVIDED INCLUDE ETHNICITY, HAIR COLOR, AND EYE COLOR, OTHER IDENTIFYING CHARACTERISTICS SHALL BE PROVIDED. ANY INFORMATION IDENTIFYING THE VICTIM BY NAME, BIRTH DATE, ADDRESS OR RELATION TO THE PERSON LISTED BY THE DIVISION SHALL BE EXCLUDED BY THE DIVISION.

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

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

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

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

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

(E) NOTICE THAT THE CALLER IS REQUIRED TO HAVE THE BIRTH DATE, DRIVER'S LICENSE OR IDENTIFICATION NUMBER, OR ADDRESS OR OTHER IDENTIFYING INFORMATION REGARDING THE PERSON ABOUT WHOM INFORMATION IS SOUGHT IN ORDER TO ACHIEVE A POSITIVE IDENTIFICATION OF THAT PERSON;

(F) A STATEMENT THAT THE NUMBER IS NOT A CRIME HOTLINE AND THAT ANY SUSPECTED CRIMINAL ACTIVITY SHOULD BE REPORTED TO LOCAL AUTHORITIES.

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

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

(A) NUMBER OF CALLS RECEIVED;

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

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

(D) NUMBER OF PERSONS LISTED; AND

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

S 169-N. DIRECTORY; INTERNET POSTING. 1. THE DIVISION SHALL MAINTAIN A DIRECTORY OF DOMESTIC ABUSE OFFENDERS. THE DIRECTORY SHALL INCLUDE THE ADDRESS, ADDRESS OF THE OFFENDER'S PLACE OF EMPLOYMENT AND PHOTOGRAPH OF THE DOMESTIC ABUSE OFFENDER ALONG WITH THE FOLLOWING INFORMATION, IF AVAILABLE: NAME, PHYSICAL DESCRIPTION, AGE AND DISTINCTIVE MARKINGS. THE DIRECTORY SHALL HAVE DOMESTIC ABUSE OFFENDER LISTINGS CATEGORIZED BY COUNTY AND ZIP CODE. A COPY OF THE DIRECTORY SHALL ANNUALLY BE DISTRIBUTED TO THE OFFICES OF LOCAL, VILLAGE, TOWN, CITY, COUNTY OR STATE LAW ENFORCEMENT AGENCIES FOR PURPOSES OF PUBLIC ACCESS. THE DIVISION SHALL DISTRIBUTE MONTHLY UPDATES TO THE OFFICES OF LOCAL, VILLAGE, TOWN, CITY, COUNTY OR STATE LAW ENFORCEMENT AGENCIES FOR PURPOSES OF PUBLIC ACCESS. SUCH DEPARTMENTS SHALL REQUIRE THAT A PERSON IN WRITING PROVIDE THEIR NAME AND ADDRESS PRIOR TO VIEWING THE DIRECTORY. THE DIRECTORY PROVIDED FOR IN THIS SECTION SHALL BE UPDATED MONTHLY TO MAINTAIN ITS EFFICIENCY AND USEFULNESS AND SHALL BE COMPUTER ACCESSIBLE. SUCH DIRECTORY SHALL BE MADE AVAILABLE AT ALL TIMES ON THE INTERNET VIA THE DIVISION HOMEPAGE.

2. EVERY PAGE OF THE DIVISION'S WEBSITE SHALL PROMINENTLY DISPLAY A LINK TO THE WEBSITE OF THE NEW YORK STATE OFFICE FOR THE PREVENTION OF DOMESTIC VIOLENCE AND THE TELEPHONE NUMBER OF THE NEW YORK STATE DOMESTIC VIOLENCE HOTLINE AND SHALL ALSO CONTAIN A CAVEAT INFORMING USERS THAT A PERSON WHO IS NOT ON THE REGISTRY MAY STILL HAVE A HISTORY OF VIOLENCE OR A PROPENSITY FOR VIOLENCE AND IF THE USER SUSPECTS THAT A PERSON HE OR SHE IS INVOLVED WITH IS DANGEROUS, HE OR SHE SHOULD CALL THE HOTLINE.

3. ANY PERSON WHO USES INFORMATION DISCLOSED PURSUANT TO THIS SECTION IN VIOLATION OF THE LAW SHALL IN ADDITION TO ANY OTHER PENALTY OR FINE IMPOSED, BE SUBJECT TO A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS AND NOT MORE THAN ONE THOUSAND DOLLARS. UNAUTHORIZED REMOVAL OR DUPLICATION OF THE DIRECTORY FROM THE OFFICES OF A LOCAL, VILLAGE OR CITY POLICE DEPARTMENT SHALL BE PUNISHABLE BY A FINE NOT TO EXCEED ONE THOUSAND DOLLARS. IN ADDITION, THE ATTORNEY GENERAL, ANY DISTRICT ATTORNEY, OR ANY PERSON AGGRIEVED IS AUTHORIZED TO BRING A CIVIL ACTION IN THE APPROPRIATE COURT REQUESTING PREVENTIVE RELIEF, INCLUDING AN APPLICATION FOR A PERMANENT OR TEMPORARY INJUNCTION, RESTRAINING ORDER, OR OTHER ORDER AGAINST THE PERSON OR GROUP OF PERSONS RESPONSIBLE FOR SUCH ACTION. THE FOREGOING REMEDIES SHALL BE INDEPENDENT OF ANY OTHER REMEDIES OR PROCEDURES THAT MAY BE AVAILABLE TO AN AGGRIEVED PARTY UNDER OTHER PROVISIONS OF LAW.

S 169-O. IMMUNITY FROM LIABILITY. 1. NO OFFICIAL, EMPLOYEE OR AGENCY, WHETHER PUBLIC OR PRIVATE, SHALL BE SUBJECT TO ANY CIVIL OR CRIMINAL LIABILITY FOR DAMAGES FOR ANY DISCRETIONARY DECISION TO RELEASE RELEVANT AND NECESSARY INFORMATION PURSUANT TO THIS ARTICLE, UNLESS IT IS SHOWN THAT SUCH OFFICIAL, EMPLOYEE OR AGENCY ACTED WITH GROSS NEGLIGENCE OR IN BAD FAITH. THE IMMUNITY PROVIDED UNDER THIS SECTION APPLIES TO THE RELEASE OF RELEVANT INFORMATION TO OTHER EMPLOYEES OR OFFICIALS OR TO THE GENERAL PUBLIC.

2. NOTHING IN THIS SECTION SHALL BE DEEMED TO IMPOSE ANY CIVIL OR CRIMINAL LIABILITY UPON OR TO GIVE RISE TO A CAUSE OF ACTION AGAINST ANY OFFICIAL, EMPLOYEE OR AGENCY, WHETHER PUBLIC OR PRIVATE, FOR FAILING TO RELEASE INFORMATION AS AUTHORIZED IN THIS SECTION UNLESS IT IS SHOWN THAT SUCH OFFICIAL, EMPLOYEE OR AGENCY ACTED WITH GROSS NEGLIGENCE OR IN BAD FAITH.

S 169-P. ANNUAL REPORT. THE DIVISION SHALL ON OR BEFORE AUGUST FIRST IN EACH YEAR FILE A REPORT WITH THE GOVERNOR AND THE LEGISLATURE DETAIL-

ING THE PROGRAM, COMPLIANCE WITH PROVISIONS OF THIS ARTICLE AND EFFECTIVENESS OF THE PROVISIONS OF THIS ARTICLE, TOGETHER WITH ANY RECOMMENDATIONS TO FURTHER ENHANCE THE INTENT OF THIS ARTICLE.

S 169-Q. PENALTY. ANY DOMESTIC ABUSE OFFENDER REQUIRED TO REGISTER OR TO VERIFY PURSUANT TO THE PROVISIONS OF THIS ARTICLE WHO FAILS TO REGISTER OR VERIFY IN THE MANNER AND WITHIN THE TIME PERIODS PROVIDED FOR IN THIS ARTICLE SHALL BE GUILTY OF A CLASS A MISDEMEANOR UPON CONVICTION FOR THE FIRST OFFENSE, AND UPON CONVICTION FOR A SECOND OR SUBSEQUENT OFFENSE SHALL BE GUILTY OF A CLASS D FELONY. ANY SUCH FAILURE TO REGISTER OR VERIFY MAY ALSO BE THE BASIS FOR REVOCATION OF PAROLE PURSUANT TO SECTION TWO HUNDRED FIFTY-NINE-I OF THE EXECUTIVE LAW OR THE BASIS FOR REVOCATION OF PROBATION PURSUANT TO ARTICLE FOUR HUNDRED TEN OF THE CRIMINAL PROCEDURE LAW.

S 169-R. UNAUTHORIZED RELEASE OF INFORMATION. THE UNAUTHORIZED RELEASE OF ANY INFORMATION REQUIRED BY THIS ARTICLE SHALL BE A CLASS B MISDEMEANOR.

S 169-S. SEPARABILITY. IF ANY SECTION OF THIS ARTICLE, OR PART THEREOF SHALL BE ADJUDGED BY A COURT OF COMPETENT JURISDICTION TO BE INVALID, SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER OR ANY OTHER SECTION OR PART THEREOF.

S 2. The criminal procedure law is amended by adding a new section 530.15 to read as follows:

S 530.15 DOMESTIC ABUSE OFFENDER DETERMINATION.

IF IN THE OPINION OF THE COURT THE INTEREST OF JUSTICE WOULD BE SERVED, THE COURT MAY, IN ITS DISCRETION, FIND A DEFENDANT AGAINST WHOM AN ORDER OF PROTECTION HAS BEEN ISSUED ON TWO OR MORE SEPARATE OCCASIONS IS A "DOMESTIC ABUSE OFFENDER" AS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-A OF THE CORRECTION LAW.

S 3. Subdivision 1 of section 530.12 of the criminal procedure law is amended by adding a new paragraph (h) to read as follows:

(H) DETERMINE A DEFENDANT AGAINST WHOM AN ORDER OF PROTECTION HAS BEEN ISSUED ON TWO OR MORE SEPARATE OCCASIONS TO BE A "DOMESTIC ABUSE OFFENDER" AS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-A OF THE CORRECTION LAW.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law, provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date is authorized to be made and completed on or before such date.