

2201

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. SIMOTAS, GUNTHER, COLTON, RAIA, HOOPER -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to the registration of sex offenders; and to repeal paragraphs (b-2) and (b-3) of subdivision 2 of section 168-f of such law relating thereto

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

1 Section 1. Paragraph (b) of subdivision 1 of section 168-b of the
2 correction law, as amended by section 1 of part 0 of chapter 56 of the
3 laws of 2005, is amended to read as follows:
4 (b) A photograph, INCLUDING THE DATE SUCH PHOTOGRAPH WAS TAKEN, IF
5 KNOWN, and set of fingerprints. For a sex offender given a level three
6 designation, the division shall, during the period of registration,
7 update such photograph once each year. For a sex offender given a level
8 one or level two designation, the division shall, during the period of
9 registration, update such photograph once every three years. The divi-
10 sion shall notify the sex offender by mail of the duty to appear and be
11 photographed at the specified law enforcement agency having jurisdic-
12 tion. Such notification shall be mailed at least thirty days and not
13 more than sixty days before the photograph is required to be taken
14 pursuant to subdivision two of section one hundred sixty-eight-f of this
15 article.
16 S 2. Paragraphs (b-2) and (b-3) of subdivision 2 of section 168-f of
17 the correction law are REPEALED and a new paragraph (b-2) is added to
18 read as follows:
19 (B-2) NO LATER THAN THIRTY CALENDAR DAYS AFTER EACH ANNIVERSARY OF THE
20 SEX OFFENDER'S INITIAL REGISTRATION DATE, THE SEX OFFENDER SHALL
21 PERSONALLY APPEAR AT THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION FOR
22 THE PURPOSE OF PROVIDING A CURRENT PHOTOGRAPH OF SUCH OFFENDER. THE DUTY

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

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1 TO PERSONALLY APPEAR SHALL BE TEMPORARILY SUSPENDED DURING ANY PERIOD IN
2 WHICH THE SEX OFFENDER IS CONFINED TO ANY STATE OR LOCAL CORRECTIONAL
3 FACILITY, HOSPITAL OR INSTITUTION AND SHALL IMMEDIATELY RECOMMENCE ON
4 THE DATE OF THE SEX OFFENDER'S RELEASE.

5 S 3. Paragraph (c-1) of subdivision 2 of section 168-f of the
6 correction law, as added by section 2 of part 0 of chapter 56 of the
7 laws of 2005, is amended to read as follows:

8 (c-1) If the sex offender, to whom a notice has been mailed at the
9 last reported address pursuant to paragraph [b] (B) of subdivision one
10 of section one hundred sixty-eight-b of this article, fails to
11 personally appear at the law enforcement agency having jurisdiction, as
12 provided in paragraph (b-2) [or (b-3)] of this subdivision, within
13 [twenty] THIRTY days of the anniversary of the sex offender's initial
14 registration, or an alternate later date scheduled by the law enforce-
15 ment agency having jurisdiction, he or she shall be in violation of this
16 section. The duty to personally appear for such updated photograph shall
17 be temporarily suspended during any period in which the sex offender is
18 confined in any hospital or institution, and such sex offender shall
19 personally appear for such updated photograph no later than ninety days
20 after release from such hospital or institution, or an alternate later
21 date scheduled by the law enforcement agency having jurisdiction.

22 S 4. Section 168-j of the correction law is amended by adding a new
23 subdivision 6 to read as follows:

24 6. THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION SHALL PHOTOGRAPH A
25 SEX OFFENDER WHO PERSONALLY APPEARS PURSUANT TO PARAGRAPH (B-2) OF
26 SUBDIVISION TWO OF SECTION ONE HUNDRED SIXTY-EIGHT-F OF THIS ARTICLE AND
27 SHALL PROMPTLY FORWARD A COPY OF SUCH PHOTOGRAPH TO THE DIVISION ALONG
28 WITH THE DATE THE PHOTOGRAPH WAS TAKEN.

29 S 5. Paragraphs (b) and (c) of subdivision 6 of section 168-l of the
30 correction law, paragraph (b) as amended by chapter 513 of the laws of
31 2011 and paragraph (c) as separately amended by chapters 318 and 680 of
32 the laws of 2005, are amended to read as follows:

33 (b) If the risk of repeat offense is moderate, a level two designation
34 shall be given to such sex offender. In such case the law enforcement
35 agency or agencies having jurisdiction and the law enforcement agency or
36 agencies having had jurisdiction at the time of his or her conviction
37 shall be notified and may disseminate relevant information which shall
38 include a photograph, ALONG WITH THE DATE SUCH PHOTOGRAPH WAS TAKEN IF
39 KNOWN, and description of the offender and which may include the exact
40 name and any aliases used by the sex offender, exact address, background
41 information including the offender's crime of conviction, mode of opera-
42 tion, type of victim targeted, the name and address of any institution
43 of higher education at which the sex offender is enrolled, attends, is
44 employed or resides and the description of special conditions imposed on
45 the offender to any entity with vulnerable populations related to the
46 nature of the offense committed by such sex offender. Any entity receiv-
47 ing information on a sex offender may disclose or further disseminate
48 such information at its discretion. In addition, in such case, the
49 information described herein shall also be provided in the subdirectory
50 established in this article and notwithstanding any other provision of
51 law, such information shall, upon request, be made available to the
52 public.

53 Such law enforcement agencies shall compile, maintain and update a
54 listing of vulnerable organizational entities within its jurisdiction.
55 Such listing shall be utilized for notification of such organizations in
56 disseminating such information on level two sex offenders pursuant to

1 this paragraph. Such listing shall include and not be limited to:
2 superintendents of schools or chief school administrators, superinten-
3 dents of parks, public and private libraries, public and private school
4 bus transportation companies, day care centers, nursery schools, pre-
5 schools, neighborhood watch groups, community centers, civic associ-
6 ations, nursing homes, victim's advocacy groups and places of worship.

7 (c) If the risk of repeat offense is high and there exists a threat to
8 the public safety a level three designation shall be given to such sex
9 offender. In such case, the law enforcement agency or agencies having
10 jurisdiction and the law enforcement agency or agencies having had
11 jurisdiction at the time of his or her conviction shall be notified and
12 may disseminate relevant information which shall include a photograph,
13 ALONG WITH THE DATE SUCH PHOTOGRAPH WAS TAKEN IF KNOWN, and description
14 of the offender and which may include the sex offender's exact name and
15 any aliases used by the offender, exact address, address of the
16 offender's place of employment, background information including the
17 offender's crime of conviction, mode of operation, type of victim
18 targeted, the name and address of any institution of higher education at
19 which the sex offender is enrolled, attends, is employed or resides and
20 the description of special conditions imposed on the offender to any
21 entity with vulnerable populations related to the nature of the offense
22 committed by such sex offender. Any entity receiving information on a
23 sex offender may disclose or further disseminate such information at its
24 discretion. In addition, in such case, the information described herein
25 shall also be provided in the subdirectory established in this article
26 and notwithstanding any other provision of law, such information shall,
27 upon request, be made available to the public.

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

38 S 6. Subdivision 1 of section 168-q of the correction law, as amended
39 by chapter 532 of the laws of 2011, is amended to read as follows:

40 1. The division shall maintain a subdirectory of level two and three
41 sex offenders. The subdirectory shall include the exact address, address
42 of the offender's place of employment and photograph of the sex
43 offender, ALONG WITH THE DATE SUCH PHOTOGRAPH WAS TAKEN IF KNOWN, along
44 with the following information, if available: name, physical
45 description, age and distinctive markings. Background information
46 including the sex offender's crime of conviction, modus of operation,
47 type of victim targeted, the name and address of any institution of
48 higher education at which the sex offender is enrolled, attends, is
49 employed or resides and a description of special conditions imposed on
50 the sex offender shall also be included. The subdirectory shall have sex
51 offender listings categorized by county and zip code. Such subdirectory
52 shall be made available at all times on the internet via the division
53 homepage. Any person may apply to the division to receive automated
54 e-mail notifications whenever a new or updated subdirectory registration
55 occurs in a geographic area specified by such person. The division shall
56 furnish such service at no charge to such person, who shall request

1 e-mail notification by county and/or zip code on forms developed and
2 provided by the division. E-mail notification is limited to three
3 geographic areas per e-mail account.
4 S 7. This act shall take effect on the one hundred twentieth day after
5 it shall have become a law.