

2649

2013-2014 Regular Sessions

I N A S S E M B L Y

January 17, 2013

Introduced by M. of A. SIMOTAS, MILLER, HOOPER -- Multi-Sponsored by --
M. of A. CERETTO, CROUCH, RAIA -- read once and referred to the
Committee on Correction

AN ACT to amend the correction law, in relation to the registration of
sex offenders

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

1 Section 1. Subdivision 6 of section 168-b of the correction law, as
2 amended by chapter 106 of the laws of 2006, is amended to read as
3 follows:
4 6. The division shall also establish a [subdirectory] DIRECTORY pursu-
5 ant to section one hundred sixty-eight-q of this article.
6 S 2. Paragraphs (a), (b) and (c) of subdivision 6 of section 168-1 of
7 the correction law, paragraph (a) as amended by chapter 106 of the laws
8 of 2006, paragraph (b) as amended by chapter 513 of the laws of 2011 and
9 paragraph (c) as separately amended by chapters 318 and 680 of the laws
10 of 2005, are amended to read as follows:
11 (a) If the risk of repeat offense is low, a level one designation
12 shall be given to such sex offender. In such case the law enforcement
13 agency or agencies having jurisdiction and the law enforcement agency or
14 agencies having had jurisdiction at the time of his or her conviction
15 shall be notified and may disseminate relevant information which may
16 include a photograph and description of the offender and which may
17 include the name of the sex offender, approximate address based on sex
18 offender's zip code, background information including the offender's
19 crime of conviction, modus of operation, type of victim targeted, the
20 name and address of any institution of higher education at which the sex
21 offender is enrolled, attends, is employed or resides and the
22 description of special conditions imposed on the offender to any entity
23 with vulnerable populations related to the nature of the offense commit-
24 ted by such sex offender. Any entity receiving information on a sex

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

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1 offender may disclose or further disseminate such information at its
2 discretion. IN ADDITION, IN EACH SUCH CASE, THE NAME OF THE SEX OFFEN-
3 DER, A PHOTOGRAPH OF THE SEX OFFENDER AND APPROXIMATE ADDRESS BASED ON
4 THE SEX OFFENDER'S ZIP CODE SHALL ALSO BE PROVIDED IN THE DIRECTORY
5 ESTABLISHED IN THIS ARTICLE.

6 (b) If the risk of repeat offense is moderate, a level two 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 shall
11 include a photograph and description of the offender and which may
12 include the exact name and any aliases used by the sex offender, exact
13 address, background information including the offender's crime of
14 conviction, mode of operation, type of victim targeted, the name and
15 address of any institution of higher education at which the sex offender
16 is enrolled, attends, is employed or resides and the description of
17 special conditions imposed on the offender to any entity with vulnerable
18 populations related to the nature of the offense committed by such sex
19 offender. Any entity receiving information on a sex offender may
20 disclose or further disseminate such information at its discretion. In
21 addition, in such case, the information described [herein] IN THIS PARA-
22 GRAPH shall also be provided in the [subdirectory] DIRECTORY established
23 in this article and notwithstanding any other provision of law, such
24 information shall, upon request, be made available to the public.

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

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

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

11 S 3. Section 168-q of the correction law, as added by chapter 192 of
12 the laws of 1995, the section heading as amended by chapter 106 of the
13 laws of 2006, subdivision 1 as amended by chapter 532 of the laws of
14 2011, is amended to read as follows:

15 S 168-q. [Subdirectory] DIRECTORY; internet posting. 1. The division
16 shall maintain a [subdirectory of level two and three] DIRECTORY OF sex
17 offenders[. The subdirectory] WHICH SHALL BE MADE AVAILABLE AT ALL TIMES
18 ON THE INTERNET VIA THE DIVISION HOMEPAGE FOR PURPOSES OF PUBLIC ACCESS.

19 (A) IN THE CASE OF A SEX OFFENDER WHO HAS BEEN GIVEN A LEVEL ONE
20 DESIGNATION, THE DIRECTORY SHALL INCLUDE THE NAME OF THE SEX OFFENDER, A
21 PHOTOGRAPH OF THE SEX OFFENDER AND APPROXIMATE ADDRESS BASED ON THE SEX
22 OFFENDER'S ZIP CODE.

23 (B) IN THE CASE OF A SEX OFFENDER WHO HAS BEEN GIVEN A LEVEL TWO OR
24 THREE DESIGNATION, THE DIRECTORY shall include the exact address,
25 address of the offender's place of employment and photograph of the sex
26 offender along with the following information, if available: name, phys-
27 ical description, age and distinctive markings. Background information
28 including the sex offender's crime of conviction, modus of operation,
29 type of victim targeted, the name and address of any institution of
30 higher education at which the sex offender is enrolled, attends, is
31 employed or resides and a description of special conditions imposed on
32 the sex offender shall also be included. [The subdirectory shall have
33 sex offender listings categorized by county and zip code. Such subdirec-
34 tory shall be made available at all times on the internet via the divi-
35 sion homepage. Any person may apply to the division to receive automated
36 e-mail notifications whenever a new or updated subdirectory registration
37 occurs in a geographic area specified by such person. The division shall
38 furnish such service at no charge to such person, who shall request
39 e-mail notification by county and/or zip code on forms developed and
40 provided by the division. E-mail notification is limited to three
41 geographic areas per e-mail account.]

42 (C) THE DIVISION SHALL, ON ITS INTERNET HOMEPAGE, PROVIDE A MEANS FOR
43 ANY PERSON TO REGISTER TO RECEIVE NOTICE AT SUCH PERSON'S ELECTRONIC
44 MAIL ADDRESS OF ALL SEX OFFENDERS WHO RESIDE OR MOVE INTO THE AREA
45 ENCOMPASSED BY SUCH PERSON'S ZIP CODE. THE DIVISION SHALL PROVIDE TIMELY
46 NOTICE BY ELECTRONIC MAIL TO EACH PERSON WHO REGISTERS PURSUANT TO THIS
47 PARAGRAPH OF EVERY SEX OFFENDER RESIDING IN AND OF EVERY SEX OFFENDER
48 WHO MOVES INTO THE PERSON'S ZIP CODE. SUCH NOTICE SHALL INCLUDE ALL
49 INFORMATION AUTHORIZED TO BE DISCLOSED ON EACH SUCH SEX OFFENDER PURSU-
50 ANT TO PARAGRAPH (A) OR (B) OF THIS SUBDIVISION.

51 2. Any person who uses information disclosed pursuant to this section
52 in violation of the law shall in addition to any other penalty or fine
53 imposed, be subject to a fine of not less than five hundred dollars and
54 not more than one thousand dollars. [Unauthorized removal or duplication
55 of the subdirectory from the offices of local, village or city police
56 department shall be punishable by a fine not to exceed one thousand

1 dollars.] In addition, the attorney general, any district attorney, or
2 any person aggrieved is authorized to bring a civil action in the appro-
3 priate court requesting preventive relief, including an application for
4 a permanent or temporary injunction, restraining order, or other order
5 against the person or group of persons responsible for such action. The
6 foregoing remedies shall be independent of any other remedies or proce-
7 dures that may be available to an aggrieved party under other provisions
8 of law.

9 S 4. This act shall take effect on the one hundred eightieth day after
10 it shall have become a law.