

S. 1764

A. 1220

2013-2014 Regular Sessions

S E N A T E - A S S E M B L Y

(PREFILED)

January 9, 2013

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IN SENATE -- Introduced by Sens. LAVALLE, MARTINS, MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

IN ASSEMBLY -- Introduced by M. of A. THIELE -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to required notification by school districts of sex offender residence; and to amend the education law, in relation to apportionment to school districts for certain expenses related to sex offender notification

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

1     Section 1. Paragraphs (b) and (c) of subdivision 6 of section 168-l of  
2     the correction law, paragraph (b) as amended by chapter 513 of the laws  
3     of 2011 and paragraph (c) as separately amended by chapters 318 and 680  
4     of the laws of 2005, are amended to read as follows:  
5     (b) If the risk of repeat offense is moderate, a level two designation  
6     shall be given to such sex offender. In such case the law enforcement  
7     agency or agencies having jurisdiction and the law enforcement agency or  
8     agencies having had jurisdiction at the time of his or her conviction  
9     shall be notified and may disseminate relevant information which shall  
10    include a photograph and description of the offender and which may  
11    include the exact name and any aliases used by the sex offender, exact  
12    address, background information including the offender's crime of  
13    conviction, mode of operation, type of victim targeted, the name and  
14    address of any institution of higher education at which the sex offender  
15    is enrolled, attends, is employed or resides and the description of  
16    special conditions imposed on the offender to any entity with vulnerable  
17    populations related to the nature of the offense committed by such sex  
18    offender. Any entity receiving information on a sex offender may

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

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1 disclose or further disseminate such information at its discretion,  
2 PROVIDED, HOWEVER, THAT SCHOOL DISTRICTS, UPON RECEIPT OF SUCH INFORMA-  
3 TION BY THE DISTRICT SUPERINTENDENT OR CHIEF SCHOOL ADMINISTRATOR, SHALL  
4 DISSEMINATE SUCH INFORMATION TO THE PERSON OR PERSONS IN PARENTAL  
5 RELATION, AS DEFINED IN SUBDIVISION TEN OF SECTION TWO OF THE EDUCATION  
6 LAW, OF EACH OF ITS STUDENTS WITHIN SUCH SCHOOL DISTRICT. In addition,  
7 in such case, the information described [herein] IN THIS SECTION shall  
8 also be provided in the subdirectory established in this article and  
9 notwithstanding any other provision of law, such information shall, upon  
10 request, be made available to the public.

11 Such law enforcement agencies shall compile, maintain and update a  
12 listing of vulnerable organizational entities within its jurisdiction.  
13 Such listing shall be utilized for notification of such organizations in  
14 disseminating such information on level two sex offenders pursuant to  
15 this paragraph. Such listing shall include and not be limited to:  
16 superintendents of schools or chief school administrators, superinten-  
17 dents of parks, public and private libraries, public and private school  
18 bus transportation companies, day care centers, nursery schools, pre-  
19 schools, neighborhood watch groups, community centers, civic associ-  
20 ations, nursing homes, victim's advocacy groups and places of worship.

21 (c) If the risk of repeat offense is high and there exists a threat to  
22 the public safety a level three designation shall be given to such sex  
23 offender. In such case, the law enforcement agency or agencies having  
24 jurisdiction and the law enforcement agency or agencies having had  
25 jurisdiction at the time of his or her conviction shall be notified and  
26 may disseminate relevant information which shall include a photograph  
27 and description of the offender and which may include the sex offender's  
28 exact name and any aliases used by the offender, exact address, address  
29 of the offender's place of employment, background information including  
30 the offender's crime of conviction, mode of operation, type of victim  
31 targeted, the name and address of any institution of higher education at  
32 which the sex offender is enrolled, attends, is employed or resides and  
33 the description of special conditions imposed on the offender to any  
34 entity with vulnerable populations related to the nature of the offense  
35 committed by such sex offender. Any entity receiving information on a  
36 sex offender may disclose or further disseminate such information at its  
37 discretion, PROVIDED, HOWEVER, THAT SCHOOL DISTRICTS, UPON RECEIPT OF  
38 SUCH INFORMATION BY THE DISTRICT SUPERINTENDENT OR CHIEF SCHOOL ADMINIS-  
39 TRATOR, SHALL DISSEMINATE SUCH INFORMATION TO THE PERSON OR PERSONS IN  
40 PARENTAL RELATION, AS DEFINED IN SUBDIVISION TEN OF SECTION TWO OF THE  
41 EDUCATION LAW, OF EACH OF ITS STUDENTS WITHIN SUCH SCHOOL DISTRICT. In  
42 addition, in such case, the information described herein shall also be  
43 provided in the subdirectory established in this article and notwith-  
44 standing any other provision of law, such information shall, upon  
45 request, be made available to the public.

46 Such law enforcement agencies shall compile, maintain and update a  
47 listing of vulnerable organizational entities within its jurisdiction.  
48 Such listing shall be utilized for notification of such organizations in  
49 disseminating such information on level three sex offenders pursuant to  
50 this paragraph. Such listing shall include and not be limited to:  
51 superintendents of schools or chief school administrators, superinten-  
52 dents of parks, public and private libraries, public and private school  
53 bus transportation companies, day care centers, nursery schools, pre-  
54 schools, neighborhood watch groups, community centers, civic associ-  
55 ations, nursing homes, victim's advocacy groups and places of worship.

1 S 2. The education law is amended by adding a new section 3605 to read  
2 as follows:  
3 S 3605. APPORTIONMENT FOR CERTAIN MAILING EXPENSES. THE COMMISSIONER  
4 SHALL APPORTION FUNDS TO REIMBURSE SCHOOL DISTRICTS FOR MONIES EXPENDED  
5 IN THE MAILING OF NOTICES TO THE PERSON OR PERSONS IN PARENTAL RELATION,  
6 AS DEFINED IN SUBDIVISION TEN OF SECTION TWO OF THIS CHAPTER, OF EACH OF  
7 ITS STUDENTS REGARDING THE PRESENCE OF REGISTERED SEX OFFENDERS WITHIN  
8 SUCH SCHOOL DISTRICTS.  
9 S 3. This act shall take effect on the first of July next succeeding  
10 the date on which it shall have become a law, and shall apply to  
11 expenses incurred by school districts after such effective date.