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

6129

2015-2016 Regular Sessions

I N A S S E M B L Y

March 16, 2015

Introduced by M. of A. DenDEKKER -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the executive law, the correction law and the penal law, in relation to the establishment of the New York state terrorist registry

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

Section 1. This act shall be known and may be cited as the "New York State terrorist registry act".

S 2. The executive law is amended by adding a new section 719 to read as follows:

S 719. TERRORIST REGISTRY INFORMATION SHARING. 1. UPON REQUEST, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL PROVIDE ANY AND ALL INFORMATION IT OBTAINS, ON ANY TERRORIST REQUIRED TO BE REGISTERED PURSUANT TO ARTICLE SIX-D OF THE CORRECTION LAW, TO THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, AND THE PROVISION OF SUCH INFORMATION SHALL BE IN THE FORM AND MANNER AS THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES MAY SO REQUEST.

2. UPON REQUEST, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL FURTHER REGULARLY SUPPLEMENT THE INFORMATION PROVIDED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, SO AS TO DELIVER ANY NEW, DIFFERENT OR ADDITIONAL INFORMATION NOT PREVIOUSLY PROVIDED TO THE DIVISION OF HOMELAND SECURITY.

3. THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES SHALL PROVIDE THE DIVISION OF CRIMINAL JUSTICE SERVICES WITH ANY AND ALL INFORMATION THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL REQUIRE, IN ORDER TO MAINTAIN AN ACCURATE AND COMPLETE REGISTRATION OF TERRORISTS PURSUANT TO ARTICLE SIX-D OF THE CORRECTION LAW, AND THE PROVISION OF SUCH INFORMATION SHALL BE IN THE FORM AND MANNER AS THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL SO REQUEST.

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

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S 3. The executive law is amended by adding a new section 232 to read as follows:

S 232. TERRORIST REGISTRY INFORMATION SHARING. 1. UPON REQUEST, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL PROVIDE ANY AND ALL INFORMATION IT OBTAINS, ON ANY TERRORIST REQUIRED TO BE REGISTERED PURSUANT TO ARTICLE SIX-D OF THE CORRECTION LAW, TO THE DIVISION OF STATE POLICE, AND THE PROVISION OF SUCH INFORMATION SHALL BE IN THE FORM AND MANNER AS THE DIVISION OF STATE POLICE MAY SO REQUEST.

2. UPON REQUEST, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL FURTHER REGULARLY SUPPLEMENT THE INFORMATION PROVIDED PURSUANT TO SUBDIVISION ONE OF THIS SECTION, SO AS TO DELIVER ANY NEW, DIFFERENT, OR ADDITIONAL INFORMATION NOT PREVIOUSLY PROVIDED TO THE DIVISION OF STATE POLICE.

3. THE DIVISION OF STATE POLICE SHALL PROVIDE THE DIVISION OF CRIMINAL JUSTICE SERVICES WITH ANY AND ALL INFORMATION THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL REQUIRE, IN ORDER TO MAINTAIN AN ACCURATE AND COMPLETE REGISTRATION OF TERRORISTS PURSUANT TO ARTICLE SIX-D OF THE CORRECTION LAW, AND THE PROVISION OF SUCH INFORMATION SHALL BE IN THE FORM AND MANNER AS THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL SO REQUEST.

S 4. The correction law is amended by adding a new article 6-D to read as follows:

ARTICLE 6-D
TERRORIST REGISTRY

SECTION 169-A. LEGISLATIVE FINDINGS.
169-B. DEFINITIONS.
169-C. DUTIES OF THE DIVISION.
169-D. REGISTRATION INFORMATION.
169-E. REGISTRANT NOTIFICATION.
169-F. STANDARDIZED REGISTRATION FORM.
169-G. STANDARDIZED VERIFICATION FORM.
169-H. INVESTIGATION OF POTENTIAL REGISTRANTS.
169-I. INITIAL ASSEMBLY OF THE REGISTRY.
169-J. DUTIES OF THE COURT.
169-K. DISCHARGE OF A TERRORIST FROM CORRECTIONAL FACILITY; DUTIES OF OFFICIAL IN CHARGE.
169-L. REGISTRATION AND VERIFICATION OF TERRORISTS.
169-M. PRIOR CONVICTIONS; DUTY TO INFORM AND REGISTER.
169-N. DURATION OF REGISTRATION AND VERIFICATION.
169-O. NOTIFICATION OF CHANGE OF ADDRESS.
169-P. REGISTRY INFORMATION SHARING.
169-Q. DNA AND FINGERPRINT CUSTODY AND ANALYSIS.
169-R. REGISTRY AND VERIFICATION FEES.
169-S. SPECIAL TELEPHONE NUMBER.
169-T. INTERNET DIRECTORY.
169-U. IMMUNITY FROM LIABILITY.
169-V. ANNUAL REPORT.
169-W. PENALTY.
169-X. UNAUTHORIZED RELEASE OF INFORMATION.
169-Y. SEPARABILITY.

S 169-A. LEGISLATIVE FINDINGS. THE LEGISLATURE FINDS AND DETERMINES THAT TERRORISM IS A SERIOUS THREAT TO THE PUBLIC SAFETY OF THE PEOPLE OF THE STATE OF NEW YORK.

THE LEGISLATURE ADDITIONALLY FINDS AND DETERMINES, THAT IT IS THE FIRST RESPONSIBILITY OF ANY GOVERNMENT TO PROVIDE FOR THE PUBLIC

PROTECTION AND SAFETY OF ITS CITIZENS, AND THAT IN ORDER TO ASSURE SUCH PUBLIC PROTECTION AND SAFETY, NEW YORK MUST TAKE ACTIVE STEPS TO ADVANCE A PROGRAM OF PREVENTION OF, RESPONSE TO, AND RECOVERY FROM, TERRORIST ATTACKS.

THE LEGISLATURE ALSO FINDS AND DETERMINES, THAT IN ORDER TO ADVANCE A PROGRAM TO PREVENT TERRORIST ATTACKS, WHILE STILL PRESERVING THE ESSENTIAL CIVIL LIBERTIES AND FREEDOMS THAT NEW YORK'S CITIZENS HOLD DEAR AS AN IRREPLACEABLE, FOUNDATIONAL ELEMENT OF SOCIETY, THE STATE MUST TAKE RESPONSIBLE ACTION TO REGISTER THOSE INDIVIDUALS, WHO HAVE DEMONSTRATED THROUGH THEIR PAST ACTIONS, THAT THEY WOULD COMMIT AN ACT OF TERRORISM.

THE LEGISLATURE FURTHER FINDS AND DETERMINES, THAT THE PURPOSE OF THE NEW YORK STATE TERRORIST REGISTRY ESTABLISHED BY THIS ARTICLE, IS TO MONITOR THOSE INDIVIDUALS, WHO HAVE DEMONSTRATED THROUGH THEIR PAST ACTIONS, THAT THEY WOULD COMMIT AN ACT OF TERRORISM, SO THAT THROUGH SUCH MONITORING, SUCH PERSONS WILL BE DISCOURAGED AND/OR PREVENTED FROM COMMITTING ANY NEW ACTS OF TERRORISM, AGAINST THE PEOPLE AND PROPERTY OF THE STATE OF NEW YORK.

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

1. "TERRORIST" MEANS ANY PERSON WHO IS CONVICTED OF ANY TERRORIST OFFENSE SET FORTH IN SUBDIVISION TWO OF THIS SECTION, AND/OR WHO HAS ENGAGED IN ANY VERIFIABLE ACT OF TERRORISM PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

2. "TERRORIST OFFENSE" MEANS ANY OFFENSE:

(A) SET FORTH IN ARTICLE FOUR HUNDRED NINETY OF THE PENAL LAW;

(B) IN ANY OTHER JURISDICTION, WHETHER WITHIN THE UNITED STATES OR A FOREIGN COUNTRY, WHICH INCLUDES ALL OF THE ESSENTIAL ELEMENTS OF ANY OFFENSE SET FORTH IN ARTICLE FOUR HUNDRED NINETY OF THE PENAL LAW;

(C) SET FORTH IN SECTIONS 32, 37, 81, 175, 175B, 229, 351, 831, 844 (F), 844 (I), 930 (C), 956, 1038, 1114, 1116, 1203, 1362, 1363, 1366, 1751, 1992, 1993, 2155, 2280, 2281, 2332, 2332A, 2332B, 2332C, 2332D, 2332E, 2332F, 2332G, 2332H, 2339, 2339A, 2339B, 2339C, AND/OR 2339D OF TITLE 18 OF THE UNITED STATES CODE;

(D) SET FORTH IN SECTION 2284 OF TITLE 42 OF THE UNITED STATES CODE;

(E) SET FORTH IN SECTION 46504, 46505 (B) (3), 46506, AND/OR 60123 (B) OF TITLE 49 OF THE UNITED STATES CODE; AND/OR

(F) IN ANY OTHER JURISDICTION, WHETHER WITHIN THE UNITED STATES OR A FOREIGN COUNTRY, OF ANY OFFENSE WHICH INCLUDES ALL OF THE ESSENTIAL ELEMENTS OF ANY OFFENSE SET FORTH WITHIN PARAGRAPHS (C), (D) OR (E) OF THIS SUBDIVISION.

3. "VERIFIABLE ACT OF TERRORISM" MEANS ANY ACT COMMITTED BY A PERSON OR PERSONS THAT HAS RESULTED IN SUCH PERSON OR PERSONS BEING:

(A) DEPORTED, OR TRANSPORTED, TO A COUNTRY OTHER THAN THE UNITED STATES, BY THE UNITED STATES GOVERNMENT, OR ANY DEPARTMENT OR AGENCY THEREOF, UPON SUSPICION OR PROOF OF INVOLVEMENT IN TERRORIST ACTIVITIES, OR THE HARBORING, SUPPORT AND/OR PROMOTION OF TERRORISTS OR TERRORIST ACTIVITIES;

(B) DETAINED AT ANY TIME BY THE ARMED FORCES OF THE UNITED STATES, ANY OTHER GOVERNMENT AGENCY OF THE UNITED STATES, OR ANY CONTRACTOR OF THE GOVERNMENT OF THE UNITED STATES THAT IS AUTHORIZED TO MAKE SUCH DETENTIONS, ON THE GROUNDS THAT SUCH PERSON WAS AT ANY TIME, A FOREIGN ENEMY COMBATANT OR AN ILLEGAL ENEMY COMBATANT;

(C) CONVICTED BY A COMBAT STATUS REVIEW TRIBUNAL OR MILITARY COMMISSION OF ANY ACT OF TERRORISM, TERRORIST ACTIVITIES, OR THE HARBORING, SUPPORT AND/OR PROMOTION OF TERRORISTS OR TERRORIST ACTIVITIES;

(D) LISTED BY THE FEDERAL BUREAU OF INVESTIGATION'S TERRORIST SCREENING CENTER ON THE TERRORIST SCREENING DATABASE; AND/OR

(E) IDENTIFIED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, THE UNITED STATES DEPARTMENT OF STATE, THE UNITED STATES DEPARTMENT OF JUSTICE, THE UNITED STATES DEPARTMENT OF DEFENSE OR ANY OF ITS ARMED SERVICES, THE UNITED STATES CENTRAL INTELLIGENCE AGENCY, AND/OR THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, AS A PERSON WHO HAS COMMITTED A TERRORIST ACT AGAINST THE UNITED STATES OR ANY OF ITS CITIZENS, AND/OR WHO IS A MEMBER OF A DESIGNATED TERRORIST ORGANIZATION PURSUANT TO SECTION 1189 OF TITLE 8 OF THE UNITED STATES CODE.

4. "TERRORIST INCIDENT" MEANS ANY INCIDENT WHICH WAS THE BASIS OF A CONVICTION FOR ANY TERRORIST OFFENSE, AS DEFINED BY SUBDIVISION TWO OF THIS SECTION, OR ANY INCIDENT WHICH WAS THE BASIS FOR A VERIFIABLE ACT OF TERRORISM, AS DEFINED BY SUBDIVISION THREE OF THIS SECTION.

5. "LAW ENFORCEMENT AGENCY HAVING JURISDICTION" MEANS:

(A) THE CHIEF LAW ENFORCEMENT OFFICER IN THE VILLAGE, TOWN OR CITY IN WHICH THE TERRORIST EXPECTS TO RESIDE, OR ACTUALLY RESIDES, UPON HIS OR HER DISCHARGE, PROBATION, PAROLE, RELEASE TO POST-RELEASE SUPERVISION, OR UPON ANY OTHER FORM OF FEDERAL, STATE OR LOCAL CONDITIONAL RELEASE; OR

(B) IF THE TERRORIST DOES NOT RECEIVE DISCHARGE, PROBATION, PAROLE, RELEASE TO POST-RELEASE SUPERVISION, OR ANY OTHER FORM OF FEDERAL, STATE OR LOCAL CONDITIONAL RELEASE, THEN THE CHIEF LAW ENFORCEMENT OFFICER IN THE VILLAGE, TOWN OR CITY IN WHICH THE TERRORIST ACTUALLY RESIDES; OR

(C) IF THERE IS NO CHIEF LAW ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN OR CITY, THE CHIEF LAW ENFORCEMENT OFFICER OF THE COUNTY; OR

(D) IF THERE IS NO CHIEF ENFORCEMENT OFFICER IN SUCH VILLAGE, TOWN, CITY OR COUNTY, THE DIVISION OF STATE POLICE.

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

7. "HOSPITAL" MEANS A HOSPITAL AS DEFINED IN SUBDIVISION TWO OF SECTION FOUR HUNDRED OF THIS CHAPTER AND APPLIES TO PERSONS COMMITTED TO SUCH HOSPITAL BY ORDER OF COMMITMENT MADE PURSUANT TO ARTICLE SIXTEEN OF THIS CHAPTER.

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

9. "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.

10. "INTERNET ACCESS PROVIDER" MEANS ANY BUSINESS, ORGANIZATION OR OTHER ENTITY ENGAGED IN THE BUSINESS OF PROVIDING A COMPUTER AND COMMUNICATIONS FACILITY THROUGH WHICH A CUSTOMER MAY OBTAIN ACCESS TO THE INTERNET.

11. "INTERNET SERVICE PROVIDER" MEANS ANY BUSINESS, ORGANIZATION OR OTHER ENTITY ENGAGED IN THE BUSINESS OF PROVIDING TELECOMMUNICATION, CABLE AND/OR BROADBAND SERVICES TO CONNECT TO, AND COMMUNICATE ON, THE INTERNET, OR ANY OTHER BROAD MULTI-USER COMPUTER SYSTEM.

12. "INTERNET IDENTIFIERS" MEANS ANY ELECTRONIC MAIL ADDRESSES AND DESIGNATIONS USED FOR THE PURPOSES OF CHAT, INSTANT MESSAGING, SOCIAL NETWORKING OR OTHER SIMILAR INTERNET COMMUNICATION.

13. "CELLULAR SERVICE PROVIDER" MEANS ANY BUSINESS, ORGANIZATION OR OTHER ENTITY ENGAGED IN THE BUSINESS OF PROVIDING CELLULAR TELEPHONE OR DEVICE SERVICE THROUGH WHICH A CUSTOMER MAY MAKE CELLULAR TELEPHONE CALLS OR OBTAIN ACCESS TO THE INTERNET, BUT DOES NOT INCLUDE A BUSINESS,

ORGANIZATION OR OTHER ENTITY TO THE EXTENT THAT IT PROVIDES ONLY LAND LINE OR CABLE TELECOMMUNICATIONS SERVICES.

14. "CELLULAR CALL TRACKERS" MEANS ANY TRACKERS, ELECTRONIC RECORDS AND/OR ELECTRONIC DEVICES, EQUIPMENT, HARDWARE AND/OR SOFTWARE USED FOR THE PURPOSES OF TRACKING, MONITORING, INTERCEPTING, CAPTURING, RECORDING OR LISTENING TO CELLULAR PHONE CALLS, AND/OR EMAILS SENT OR RECEIVED ON A CELLULAR DEVICE, AND/OR TEXT MESSAGES SENT OR RECEIVED ON A CELLULAR DEVICE.

15. "REGISTRY" MEANS THE NEW YORK STATE TERRORIST REGISTRY ESTABLISHED AND MAINTAINED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO THIS ARTICLE.

16. "REGISTRANT" MEANS A TERRORIST THAT UPON INVESTIGATION PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-H OF THIS ARTICLE, THE DIVISION HAS DETERMINED SHALL BE REQUIRED TO REGISTER WITH, AND BE ADDED TO, THE NEW YORK STATE TERRORIST REGISTRY.

S 169-C. DUTIES OF THE DIVISION. 1. TERRORIST REGISTRY. THE DIVISION SHALL ESTABLISH AND MAINTAIN AN INFORMATION FILE ON ALL TERRORISTS REQUIRED TO REGISTER PURSUANT TO THE PROVISIONS OF THIS ARTICLE, WHICH SHALL INCLUDE ALL THE INFORMATION SET FORTH IN SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE, AND WHICH SHALL BE KNOWN AS THE NEW YORK STATE TERRORIST REGISTRY.

2. REGISTRANT NOTIFICATION. THE DIVISION SHALL NOTIFY EVERY TERRORIST REQUIRED TO BE REGISTERED UNDER THIS ARTICLE, PURSUANT TO THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE, BUT IN NO EVENT SHALL THE FAILURE OF A TERRORIST TO RECEIVE SUCH NOTICE, OR THE DIVISION'S FAILURE TO PROVIDE SUCH NOTICE, RELIEVE SUCH TERRORIST FROM ANY OBLIGATION REQUIRED BY THIS ARTICLE.

3. INITIAL ASSEMBLY OF THE REGISTRY. THE DIVISION, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-I OF THIS ARTICLE, SHALL CONDUCT INVESTIGATIONS TO DETERMINE WHAT TERRORISTS SHALL BE INITIALLY ADDED TO THE REGISTRY, AND UPON SUCH INVESTIGATIONS AND DETERMINATIONS, IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-H OF THIS ARTICLE, SHALL ADD SUCH TERRORISTS TO THE NEW YORK STATE TERRORIST REGISTRY.

4. INVESTIGATIONS OF POTENTIAL REGISTRANTS. THE DIVISION, IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-H OF THIS ARTICLE, SHALL MAKE REGULAR INVESTIGATIONS TO DETERMINE WHAT TERRORISTS SHALL BE ADDED TO THE REGISTRY.

5. STANDARDIZED REGISTRATION FORM. THE DIVISION SHALL DEVELOP A STANDARDIZED REGISTRATION FORM, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE.

6. STANDARDIZED VERIFICATION FORM. THE DIVISION SHALL DEVELOP A STANDARDIZED VERIFICATION FORM, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-G OF THIS ARTICLE.

7. REGISTRATION AND VERIFICATION OF TERRORISTS. THE DIVISION, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-L OF THIS ARTICLE, SHALL PROVIDE FOR THE REGISTRATION AND VERIFICATION OF TERRORISTS ADDED TO THE NEW YORK STATE TERRORIST REGISTRY.

8. NOTIFICATION OF CHANGE OF ADDRESS. THE DIVISION, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-O OF THIS ARTICLE, SHALL PROVIDE FOR THE NOTIFICATION OF LAW ENFORCEMENT AGENCIES HAVING JURISDICTION, WHEN A TERRORIST REGISTERS A CHANGE OF ADDRESS.

9. REGISTRY INFORMATION SHARING. THE DIVISION, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-P OF THIS ARTICLE, IS AUTHORIZED TO SHARE THE NEW YORK STATE TERRORIST REGISTRY, AND ALL THE INFORMATION CONTAINED THEREIN, TO ADVANCE THE PURPOSES OF THIS ARTICLE.

10. SECURE INFORMATION. THE DIVISION, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-P OF THIS ARTICLE, IN CONSULTATION WITH THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES AND THE DIVISION OF STATE POLICE, SHALL REVIEW THE INFORMATION CONTAINED ON THE REGISTRY, AND SHALL DETERMINE WHETHER THE DISCLOSURE OF ANY PARTICULAR INFORMATION CONTAINED ON THE REGISTRY MAY CAUSE A SECURITY RISK TO THE PEOPLE OR PROPERTY OF THE STATE OF NEW YORK, AND UPON SUCH DETERMINATION THAT SUCH PARTICULAR INFORMATION NEEDS TO BE DEEMED SECURE, THE DIVISION SHALL REMOVE SUCH SECURE INFORMATION FROM PUBLIC ACCESSIBILITY.

11. DNA CUSTODY AND ANALYSIS. THE DIVISION, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-Q OF THIS ARTICLE, SHALL PROVIDE FOR THE SECURE, CUSTODIAL TRANSFER OF THE DNA SAMPLE COLLECTED FROM THE TERRORIST, FOR THE PRESERVATION, STORAGE AND ANALYSIS OF SUCH DNA SAMPLE, AND SHALL FURTHER PROVIDE FOR THE SUBSEQUENT SECURE CUSTODIAL TRANSFER OF THE DNA SAMPLE, AND/OR THE ANALYSIS PRODUCED THEREFROM, TO THE STATE DNA IDENTIFICATION INDEX, MAINTAINED PURSUANT TO SECTION NINE HUNDRED NINETY-FIVE-C OF THE EXECUTIVE LAW.

12. FINGERPRINT CUSTODY AND ANALYSIS. THE DIVISION, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-Q OF THIS ARTICLE, SHALL PROVIDE FOR THE SECURE, CUSTODIAL TRANSFER OF THE FINGERPRINTS COLLECTED FROM THE TERRORIST, TO THE LABORATORY MAINTAINED BY THE DIVISION OF STATE POLICE, OR ANOTHER APPROVED FINGERPRINT ANALYSIS ENTITY AS CONTRACTED WITH BY THE DIVISION, FOR THE PRESERVATION, STORAGE AND ANALYSIS OF SUCH FINGERPRINTS.

13. REGISTRY AND VERIFICATION FEES. THE DIVISION, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-R OF THIS ARTICLE, SHALL BE AUTHORIZED TO CHARGE REGISTRATION AND VERIFICATION FEES TO BE PAID TO THE DIVISION BY THE TERRORIST, AT THE TIME AND MANNER PRESCRIBED BY THE DIVISION, WITH THE STATE COMPTROLLER BEING AUTHORIZED TO DEPOSIT SUCH FEES INTO THE GENERAL FUND.

14. SPECIAL TELEPHONE NUMBER. THE DIVISION SHALL ESTABLISH AND OPERATE A SPECIAL TELEPHONE NUMBER PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-S OF THIS ARTICLE.

15. INTERNET DIRECTORY. THE DIVISION SHALL ESTABLISH AN INTERNET DIRECTORY PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-T OF THIS ARTICLE.

S 169-D. REGISTRATION INFORMATION. THE DIVISION, PURSUANT TO SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-C OF THIS ARTICLE, SHALL ESTABLISH AND MAINTAIN AN INFORMATION FILE ON ALL TERRORISTS REQUIRED TO REGISTER PURSUANT TO THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-NINE-L THIS ARTICLE, WHICH SHALL BE KNOWN AS THE NEW YORK STATE TERRORIST REGISTRY, AND WHICH SHALL INCLUDE THE FOLLOWING INFORMATION ON EACH SUCH REGISTRANT:

1. PERSONAL INFORMATION, INCLUDING:

(A) THE TERRORIST'S NAME;

(B) ALL ALIASES CURRENTLY OR EVER USED BY THE TERRORIST;

(C) THE DATE OF BIRTH OF THE TERRORIST;

(D) THE SEX OF THE TERRORIST;

(E) THE RACE OF THE TERRORIST;

(F) THE HEIGHT, WEIGHT, EYE COLOR, DISTINCTIVE MARKINGS, AND BUILD OF THE TERRORIST;

(G) THE NATION OF ORIGIN AND COUNTRY OR COUNTRIES OF CITIZENSHIP OF THE TERRORIST;

(H) THE DRIVER'S LICENSE NUMBER OR NON-DRIVER'S IDENTIFICATION CARD NUMBER OF THE TERRORIST;

(I) THE PASSPORT NUMBER OF THE MOST RECENT PASSPORT OF THE TERRORIST;

(J) THE HOME ADDRESS AND/OR EXPECTED PLACE OF DOMICILE AND/OR ACTUAL PLACE OF DOMICILE OF THE TERRORIST;

(K) THE SOCIAL SECURITY NUMBER, OR TAXPAYER IDENTIFICATION NUMBER, OF THE TERRORIST;

(L) ANY AND ALL INTERNET ACCOUNTS WITH INTERNET SERVICE/ACCESS PROVIDERS BELONGING TO SUCH TERRORIST;

(M) ANY AND ALL INTERNET IDENTIFIERS THAT SUCH TERRORIST USES, OR HAS USED; AND

(N) ANY AND ALL CELLULAR ACCOUNTS AND CELLULAR TELEPHONE NUMBERS WITH CELLULAR SERVICE PROVIDERS BELONGING TO THE TERRORIST, OR ANY AND ALL CELLULAR ACCOUNTS AND CELLULAR TELEPHONE NUMBERS WITH CELLULAR SERVICE OF WHICH THE TERRORIST HAS AUTHORIZED USE;

2. FORENSIC INFORMATION, INCLUDING:

(A) A PHOTOGRAPH OF THE TERRORIST, TAKEN BY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, WHICH SHALL BE UPDATED ANNUALLY;

(B) A COMPLETE SET OF FINGERPRINTS OF THE TERRORIST, TAKEN BY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION;

(C) A DNA SAMPLE, TAKEN BY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, WITH SUCH SAMPLE BEING COMPLIANT WITH TESTING FOR THE COMBINED DNA INDEX SYSTEM (CODIS), AND WITH SUCH SAMPLE CAPABLE OF PROVIDING A REPORT AND ANALYSIS OF AUTOSOMAL DNA (ATDNA), MITOCHONDRIAL DNA (MTDNA) AND Y-CHROMOSOME DNA (Y-DNA), TOGETHER WITH ANY OTHER SCREENING OR DNA TESTING AS MAY BE REQUIRED BY THE DIVISION; AND

(D) A DNA ANALYSIS OF THE DNA SAMPLE TAKEN FROM THE TERRORIST, PERFORMED BY A LABORATORY APPROVED BY THE DIVISION, WITH SUCH ANALYSIS BEING COMPLIANT WITH THE COMBINED DNA INDEX SYSTEM (CODIS), AND WITH SUCH ANALYSIS CAPABLE OF PROVIDING A REPORT AND ANALYSIS OF AUTOSOMAL DNA (ATDNA), MITOCHONDRIAL DNA (MTDNA) AND Y-CHROMOSOME DNA (Y-DNA), TOGETHER WITH ANY OTHER SCREENING OR DNA TESTING AS MAY BE REQUIRED BY THE DIVISION;

3. TERRORIST INCIDENT INFORMATION, INCLUDING, FOR EACH AND EVERY TERRORIST INCIDENT INVOLVING THE TERRORIST:

(A) A COMPLETE DESCRIPTION OF THE INCIDENT AND ITS SURROUNDING EVENTS FOR WHICH THE TERRORIST WAS CONVICTED, DETAINED, DEPORTED, TRANSPORTED, LISTED OR IDENTIFIED;

(B) THE DATE OF THE INCIDENT AND ITS SURROUNDING EVENTS FOR WHICH THE TERRORIST WAS CONVICTED, DETAINED, DEPORTED, TRANSPORTED, LISTED OR IDENTIFIED;

(C) A COMPLETE DESCRIPTION OF EACH AND EVERY CONSEQUENCE OF THE INCIDENT AND ITS SURROUNDING EVENTS FOR WHICH THE TERRORIST WAS CONVICTED, DETAINED, DEPORTED, TRANSPORTED, LISTED OR IDENTIFIED, INCLUDING EACH AND EVERY SENTENCE, FINE, PUNISHMENT AND/OR SANCTION IMPOSED AS A RESULT OF THE INCIDENT; AND

(D) THE DATE OF EACH AND EVERY CONVICTION, DETAINMENT, DEPORTATION, TRANSPORTATION, LISTING AND/OR IDENTIFICATION THAT OCCURRED AS A RESULT OF THE INCIDENT, AND EACH AND EVERY SENTENCE, FINE, PUNISHMENT AND/OR SANCTION IMPOSED AS A RESULT OF THE INCIDENT;

4. EMPLOYMENT INFORMATION OF THE TERRORIST, INCLUDING:

(A) THE NAME AND ADDRESS OF THE TERRORIST'S CURRENT OR EXPECTED EMPLOYER, OR IN THE CASE OF A TERRORIST WHO IS A STUDENT, THE NAME AND ADDRESS OF THE TERRORIST'S EDUCATIONAL INSTITUTION;

(B) A COMPLETE DESCRIPTION OF THE TERRORIST'S EMPLOYMENT DUTIES, WORK LOCATIONS, JOB TITLES AND TOOLS AND MATERIALS UTILIZED DURING THE COURSE OF EMPLOYMENT, AND IN THE CASE OF A TERRORIST WHO IS A STUDENT, A COMPLETE DESCRIPTION OF THE TERRORIST'S CLASSES TAKEN, CLASSROOM LOCATIONS, AND EDUCATIONAL CREDITS; AND

(C) A COMPLETE LIST OF THE TERRORIST'S SUPERVISORS, AND IN THE CASE OF A TERRORIST WHO IS A STUDENT, A COMPLETE LIST OF THE TERRORIST'S PROFESSORS; AND

5. SUPPLEMENTAL AND VERIFICATION INFORMATION OF THE TERRORIST, INCLUDING:

(A) AN ANNUAL UPDATE OF THE TERRORIST'S PHOTOGRAPH; AND

(B) ANY OTHER ADDITIONAL AND FURTHER INFORMATION DEEMED PERTINENT BY THE DIVISION.

S 169-E. REGISTRANT NOTIFICATION. 1. THE DIVISION SHALL NOTIFY EVERY TERRORIST REQUIRED TO BE REGISTERED UNDER THIS ARTICLE, PURSUANT TO THE PROVISIONS OF THIS SECTION, BUT IN NO EVENT SHALL THE FAILURE OF A TERRORIST TO RECEIVE SUCH NOTICE, OR OF THE DIVISION TO FAIL TO PROVIDE SUCH NOTICE, RELIEVE SUCH TERRORIST FROM ANY OBLIGATION REQUIRED BY THIS ARTICLE.

2. IN ADDITION TO ANY OTHER NOTIFICATION REQUIREMENT CONTAINED IN THIS ARTICLE, THE DIVISION, WITHIN TEN CALENDAR DAYS OF MAKING A DETERMINATION THAT A TERRORIST SHALL BE ADDED TO THE REGISTRY, SHALL MAIL TO SUCH TERRORIST, A NON-FORWARDABLE STANDARDIZED REGISTRATION FORM, AS DESCRIBED BY SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE.

3. THE PURPOSE OF THE NON-FORWARDABLE STANDARDIZED REGISTRATION FORM MAILED TO SUCH TERRORIST, IN ACCORDANCE WITH SUBDIVISION TWO OF THIS SECTION, SHALL BE TO INFORM THE TERRORIST, WHO THE DIVISION ADDED TO THE NEW YORK STATE TERRORIST REGISTRY, OF SUCH TERRORIST'S OBLIGATION TO REGISTER AS REQUIRED BY THIS ARTICLE, AND TO COLLECT THE NECESSARY INFORMATION REQUIRED BY SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE.

4. THE NON-FORWARDABLE STANDARDIZED REGISTRATION FORM MAILED TO SUCH TERRORIST, IN ACCORDANCE WITH SUBDIVISION TWO OF THIS SECTION, SHALL BE MAILED BY THE DIVISION, BY FIRST CLASS MAIL, TO THE LAST KNOWN ADDRESS OF SUCH TERRORIST, BUT IN NO EVENT SHALL THE FAILURE OF A TERRORIST TO RECEIVE SUCH NOTICE, NOR THE FAILURE OF THE DIVISION TO PROVIDE SUCH NOTICE, RELIEVE ANY TERRORIST FROM THEIR OBLIGATION TO REGISTER AS REQUIRED BY THIS ARTICLE.

5. THE NON-FORWARDABLE STANDARDIZED REGISTRATION FORM MAILED TO SUCH TERRORIST PURSUANT TO SUBDIVISION TWO OF THIS SECTION, SHALL ALSO CONTAIN NOTICE TO THE TERRORIST, THAT SUCH TERRORIST MUST APPEAR, WITHIN FIFTEEN DAYS OF RECEIVING SUCH NOTICE, TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, WITH THE ADDRESS AND TELEPHONE NUMBER OF SUCH LAW ENFORCEMENT AGENCY BEING INCLUDED IN SUCH NOTICE, IN ORDER TO HAVE SUCH TERRORIST SUBMIT TO THE TAKING OF HIS OR HER PHOTOGRAPH, FINGERPRINTS AND A DNA SAMPLE, IN ACCORDANCE WITH SUBDIVISION TWO OF SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE, AND SUCH NOTICE SHALL ADDITIONALLY PROVIDE INFORMATION CONCERNING THE TERRORIST'S RESPONSIBILITY TO PAY A ONE HUNDRED DOLLAR REGISTRATION FEE TO THE DIVISION, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-R OF THIS ARTICLE.

6. IN THE EVENT THAT A COMPLETED STANDARDIZED REGISTRATION FORM IS NOT RETURNED TO THE DIVISION BY A TERRORIST WITHIN THIRTY DAYS OF THE MAILING REQUIRED PURSUANT TO SUBDIVISION TWO OF THIS SECTION, THE DIVISION SHALL IMMEDIATELY NOTIFY THE DIVISION OF STATE POLICE, THE STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, WHEREUPON THE DIVISION OF STATE POLICE SHALL IMMEDIATELY CAUSE SUCH TERRORIST TO BE ARRESTED AND CHARGED WITH A FAILURE TO REGISTER IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-W OF THIS ARTICLE, AND PURSUANT TO SECTION 490.23 OF THE PENAL LAW.

7. IN ADDITION TO ANY OTHER NOTIFICATION REQUIREMENT CONTAINED IN THIS ARTICLE, THE DIVISION SHALL ALSO PROVIDE REGISTRANTS WITH GENERAL INFOR-

MATION, IN REGISTRATION MATERIALS AND ANNUAL CORRESPONDENCE, CONCERNING NOTIFICATION AND REGISTRATION PROCEDURES THAT MAY APPLY IF SUCH TERRORIST IS EVER AUTHORIZED TO RELOCATE, AND THEN RELOCATES TO ANOTHER STATE OR UNITED STATES POSSESSION, AND SUCH GENERAL INFORMATION SHALL INCLUDE ADDRESSES AND TELEPHONE NUMBERS FOR RELEVANT AGENCIES FROM WHICH ADDITIONAL INFORMATION FOR TERRORIST REGISTRATION MAY BE OBTAINED.

8. IN ADDITION TO ANY OTHER NOTIFICATION REQUIREMENT CONTAINED IN THIS ARTICLE, THE DIVISION SHALL ALSO MAIL, TO ALL REGISTRANTS, EVERY THREE MONTHS AFTER THEIR REGISTRATION, A NON-FORWARDABLE STANDARDIZED VERIFICATION FORM, AS DESCRIBED IN SECTION ONE HUNDRED SIXTY-NINE-G OF THIS ARTICLE.

9. THE PURPOSE OF THE NON-FORWARDABLE STANDARDIZED VERIFICATION FORM MAILED TO SUCH TERRORIST IN ACCORDANCE WITH SUBDIVISION EIGHT OF THIS SECTION, SHALL BE TO INFORM SUCH REGISTRANT, WHO THE DIVISION ADDED TO THE NEW YORK STATE TERRORIST REGISTRY, OF SUCH REGISTRANT'S OBLIGATION TO PROVIDE QUARTERLY VERIFICATION AS REQUIRED BY THIS ARTICLE, AND TO COLLECT THE NECESSARY VERIFICATION INFORMATION AS REQUIRED BY THIS ARTICLE.

10. THE NON-FORWARDABLE STANDARDIZED VERIFICATION FORM MAILED TO SUCH TERRORIST, IN ACCORDANCE WITH SUBDIVISION EIGHT OF THIS SECTION, SHALL BE MAILED BY THE DIVISION, BY FIRST CLASS MAIL, TO THE LAST KNOWN ADDRESS OF SUCH REGISTRANT, BUT IN NO EVENT SHALL THE FAILURE OF A REGISTRANT TO RECEIVE SUCH NOTICE, NOR THE FAILURE OF THE DIVISION TO PROVIDE SUCH NOTICE, RELIEVE ANY REGISTRANT FROM THEIR OBLIGATION TO PROVIDE QUARTERLY VERIFICATION AS REQUIRED BY THIS ARTICLE.

11. THE NON-FORWARDABLE STANDARDIZED VERIFICATION FORM MAILED TO SUCH TERRORIST PURSUANT TO SUBDIVISION EIGHT OF THIS SECTION, SHALL ALSO CONTAIN NOTICE TO THE TERRORIST AT LEAST ONCE A YEAR, THAT SUCH TERRORIST MUST APPEAR, WITHIN FIFTEEN DAYS OF RECEIVING SUCH NOTICE, TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, WITH THE ADDRESS AND TELEPHONE NUMBER OF SUCH LAW ENFORCEMENT AGENCY BEING INCLUDED IN SUCH NOTICE, IN ORDER TO HAVE SUCH TERRORIST SUBMIT TO THE TAKING OF AN ANNUAL UPDATE OF HIS OR HER PHOTOGRAPH, IN ACCORDANCE WITH SUBDIVISION TWO OF SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE, AND SUCH NOTICE SHALL ADDITIONALLY PROVIDE INFORMATION CONCERNING THE TERRORIST'S RESPONSIBILITY TO PAY A TEN DOLLAR FEE TO THE DIVISION, PURSUANT TO SECTION ONE HUNDRED AND SIXTY-NINE-R OF THIS ARTICLE.

12. IN THE EVENT THAT A COMPLETED STANDARDIZED VERIFICATION FORM IS NOT RETURNED TO THE DIVISION BY THE REGISTRANT WITHIN THIRTY DAYS OF ITS MAILING TO SUCH TERRORIST, THE DIVISION SHALL IMMEDIATELY NOTIFY THE DIVISION OF STATE POLICE, THE STATE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, WHEREUPON THE DIVISION OF STATE POLICE SHALL IMMEDIATELY CAUSE SUCH TERRORIST TO BE ARRESTED AND CHARGED WITH A FAILURE TO VERIFY IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-W OF THIS ARTICLE, AND PURSUANT TO SECTION 490.23 OF THE PENAL LAW.

13. THE DIVISION SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

S 169-F. STANDARDIZED REGISTRATION FORM. 1. THE DIVISION SHALL DEVELOP A STANDARDIZED REGISTRATION FORM, PURSUANT TO THIS SECTION, TO COLLECT THE INFORMATION REQUIRED BY SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE, SO THAT THE DIVISION MAY ADD SUCH REQUIRED INFORMATION ON THE REGISTRANT TO THE NEW YORK STATE TERRORIST REGISTRY.

2. THE DIVISION SHALL PRODUCE SUCH STANDARDIZED REGISTRATION FORM IN A MANNER WHERE IT IS WRITTEN IN CLEAR AND CONCISE LANGUAGE.

3. THE DIVISION SHALL FURTHER PRODUCE SUCH STANDARDIZED REGISTRATION FORM WITH THE PURPOSE OF:

(A) PROVIDING FOR THE COLLECTION OF THE INFORMATION REQUIRED BY SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE; AND

(B) ADVISING THE TERRORIST OF HIS OR HER REGISTRATION DUTIES AND OBLIGATIONS UNDER THIS ARTICLE.

4. THE DIVISION SHALL MAKE PAPER COPIES OF THE STANDARDIZED REGISTRATION FORM AVAILABLE TO REGISTRANTS, ATTORNEYS REPRESENTING REGISTRANTS, THE UNIFIED COURT SYSTEM, THE DEPARTMENT, FEDERAL, STATE AND LOCAL LAW ENFORCEMENT, AND SUCH OTHER AND FURTHER INDIVIDUALS AND ENTITIES AS THE DIVISION DEEMS APPROPRIATE.

5. THE DIVISION SHALL PLACE THE STANDARDIZED REGISTRATION FORM, PRODUCED IN ACCORDANCE WITH THIS SECTION, ONLINE ON THE OFFICIAL WEBSITE OF THE DIVISION, AND SUCH ELECTRONIC STANDARDIZED REGISTRATION FORM SHALL BE IN A DOWNLOADABLE FORMAT, TO ALLOW ANY REGISTRANT TO SUBMIT A COMPLETED COPY OF SUCH FORM TO THE DIVISION, REGARDLESS OF WHETHER SUCH TERRORIST HAS IN FACT RECEIVED THE NOTICE AS REQUIRED BY SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

6. THE DIVISION SHALL ADVERTISE ON ITS WEBSITE THAT ALL TERRORISTS ADDED TO THE NEW YORK STATE TERRORIST REGISTRY SHALL BE REQUIRED TO REGISTER UNDER PENALTY OF LAW AND THAT THE STANDARD REGISTRATION FORM NECESSARY TO COMPLETE SUCH REGISTRATION IS AVAILABLE FOR DOWNLOAD ON THE DIVISION'S WEBSITE.

7. THE DIVISION SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

S 169-G. STANDARDIZED VERIFICATION FORM. 1. THE DIVISION SHALL DEVELOP A STANDARDIZED VERIFICATION FORM, PURSUANT TO THIS SECTION, TO COLLECT THE INFORMATION REQUIRED BY SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE, AND SO THAT THE DIVISION MAY ALSO VERIFY THAT THE INFORMATION SO COLLECTED ON REGISTRANT IS CORRECT.

2. THE DIVISION SHALL PRODUCE SUCH STANDARDIZED VERIFICATION FORM IN A MANNER WHERE IT IS WRITTEN IN CLEAR AND CONCISE LANGUAGE.

3. THE DIVISION SHALL FURTHER PRODUCE SUCH STANDARDIZED VERIFICATION FORM WITH THE PURPOSE OF:

(A) PROVIDING FOR THE COLLECTION OF THE INFORMATION REQUIRED BY SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE;

(B) PROVIDING FOR THE VERIFICATION OF THE INFORMATION SO COLLECTED; AND

(C) ADVISING THE REGISTRANT OF HIS OR HER QUARTERLY VERIFICATION DUTIES AND OBLIGATIONS UNDER THIS ARTICLE.

4. THE DIVISION SHALL MAKE PAPER COPIES OF THE STANDARDIZED VERIFICATION FORM AVAILABLE TO REGISTRANTS, ATTORNEYS REPRESENTING REGISTRANTS, THE UNIFIED COURT SYSTEM, THE DEPARTMENT, FEDERAL, STATE AND LOCAL LAW ENFORCEMENT, AND SUCH OTHER AND FURTHER INDIVIDUALS AND ENTITIES AS THE DIVISION DEEMS APPROPRIATE.

5. THE DIVISION SHALL PLACE THE STANDARDIZED VERIFICATION FORM, PRODUCED IN ACCORDANCE WITH THIS SECTION, ONLINE ON THE OFFICIAL WEBSITE OF THE DIVISION, AND SUCH ELECTRONIC STANDARDIZED VERIFICATION FORM SHALL BE IN A DOWNLOADABLE FORMAT, TO ALLOW ANY REGISTRANT TO SUBMIT A COMPLETED COPY OF SUCH FORM TO THE DIVISION, REGARDLESS OF WHETHER SUCH TERRORIST HAS IN FACT RECEIVED THE NOTICE AS REQUIRED BY SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

6. THE DIVISION SHALL ADVERTISE ON ITS WEBSITE THAT ALL TERRORISTS ADDED TO THE NEW YORK STATE TERRORIST REGISTRY SHALL BE REQUIRED TO MAKE QUARTERLY VERIFICATION UNDER PENALTY OF LAW AND THAT THE STANDARD

VERIFICATION FORM NECESSARY TO COMPLETE SUCH REGISTRATION IS AVAILABLE FOR DOWNLOAD ON THE DIVISION'S WEBSITE.

7. THE DIVISION SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

S 169-H. INVESTIGATION OF POTENTIAL REGISTRANTS. 1. THE DIVISION SHALL MAKE REGULAR INVESTIGATIONS TO DETERMINE WHETHER TERRORISTS SHALL BE ADDED TO THE REGISTRY, AND UPON ANY SUCH INVESTIGATION AND DETERMINATION THAT A TERRORIST SHALL BE ADDED TO THE REGISTRY, IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, THE DIVISION SHALL ADD SUCH TERRORIST TO THE REGISTRY, AND SHALL NOTIFY SUCH TERRORIST PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

2. IN THE CASE OF ANY TERRORIST, IT SHALL BE THE DUTY OF THE DEPARTMENT, HOSPITAL OR LOCAL CORRECTIONAL FACILITY AT LEAST TEN CALENDAR DAYS PRIOR TO THE RELEASE OF THE TERRORIST FROM A CORRECTIONAL FACILITY, TO NOTIFY THE DIVISION OF THE CONTEMPLATED RELEASE OR DISCHARGE OF SUCH TERRORIST, INFORMING THE DIVISION IN WRITING, ON A FORM PROVIDED BY THE DIVISION, WHICH SHALL INDICATE THE ADDRESS AT WHICH SUCH TERRORIST PROPOSES TO RESIDE, AND IF SUCH TERRORIST CHANGES HIS OR HER PLACE OF RESIDENCE WHILE ON PAROLE, SUCH NOTIFICATION OF THE CHANGE OF RESIDENCE SHALL BE SENT BY THE TERRORIST'S PAROLE OFFICER WITHIN FORTY-EIGHT HOURS TO THE DIVISION ON A FORM PROVIDED BY THE DIVISION.

3. IN THE CASE OF ANY TERRORIST ON PROBATION, IT SHALL BE THE DUTY OF THE 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.

4. IN THE EVENT THAT ANY TERRORIST ESCAPES FROM A STATE OR LOCAL CORRECTIONAL FACILITY OR HOSPITAL, THE DESIGNATED OFFICIAL OF THE FACILITY OR HOSPITAL WHERE THE TERRORIST WAS CONFINED SHALL NOTIFY, WITHIN TWENTY-FOUR HOURS, THE DIVISION AND THE LAW ENFORCEMENT AGENCY HAVING HAD JURISDICTION AT THE TIME OF THE TERRORIST'S CONVICTION, INFORMING THE DIVISION AND SUCH LAW ENFORCEMENT AGENCY OF THE NAME AND ALIASES OF THE TERRORIST, THE ADDRESS AT WHICH THE TERRORIST 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 THE TERRORIST WAS SENTENCED, AND THE NATURE OF THE CRIME FOR WHICH HE OR SHE WAS SENTENCED, TRANSMITTING AT THE SAME TIME A COPY OF SUCH TERRORIST'S FINGERPRINTS AND PHOTOGRAPH, TOGETHER WITH A SUMMARY OF HIS OR HER CRIMINAL RECORD.

5. IT SHALL BE THE PURPOSE OF THE DIVISION'S INVESTIGATIONS UNDER THIS SECTION TO DETERMINE WHAT TERRORISTS ARE OR WILL BE RESIDING, WORKING, OR ATTENDING EDUCATIONAL INSTITUTIONS, IN NEW YORK STATE, AND WHETHER, PURSUANT TO THE PROVISIONS OF THIS ARTICLE, SUCH TERRORISTS SHOULD BE ADDED TO THE NEW YORK STATE TERRORIST REGISTRY.

6. (A) IN CONDUCTING ITS INVESTIGATIONS, PURSUANT TO THIS SECTION, TO DETERMINE WHAT TERRORISTS ARE OR WILL BE RESIDING, WORKING, OR ATTENDING EDUCATIONAL INSTITUTIONS, IN NEW YORK STATE, THE DIVISION SHALL COMMUNICATE WITH THE FOLLOWING STATE ENTITIES:

(I) THE DEPARTMENT;

(II) THE DIVISION OF PAROLE;

(III) THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES;

(IV) THE DEPARTMENT OF HEALTH;

(V) THE DEPARTMENT OF EDUCATION;

(VI) THE OFFICE OF COURT ADMINISTRATION, AND ANY COURT OF THE UNIFIED COURT SYSTEM;

(VII) THE DIVISION OF STATE POLICE;

(VIII) THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES; AND/OR

(IX) ANY OTHER STATE OR LOCAL ENTITY THE DIVISION DEEMS APPROPRIATE.

(B) IN FURTHER CONDUCTING ITS INVESTIGATIONS, PURSUANT TO THIS SECTION, TO DETERMINE WHAT TERRORISTS ARE OR WILL BE RESIDING, WORKING, OR ATTENDING EDUCATIONAL INSTITUTIONS, IN NEW YORK STATE, THE DIVISION SHALL COMMUNICATE WITH THE FOLLOWING FEDERAL, INTERSTATE OR INTERNATIONAL ENTITIES:

(I) THE FEDERAL BUREAU OF PRISONS;

(II) THE UNITED STATES DEPARTMENT OF DEFENSE, AND ITS ARMED SERVICES BRANCHES;

(III) THE UNITED STATES DEPARTMENT OF STATE;

(IV) THE UNITED STATES DEPARTMENT OF JUSTICE;

(V) THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY;

(VI) THE CENTRAL INTELLIGENCE AGENCY;

(VII) THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE;

(VIII) THE INTERNATIONAL CRIMINAL POLICE ORGANIZATION (INTERPOL); AND

(IX) ANY OTHER FEDERAL, INTERSTATE, OR INTERNATIONAL ENTITY THE DIVISION DEEMS APPROPRIATE.

7. UPON INVESTIGATION IN ACCORDANCE WITH THIS SECTION, IF THE DIVISION DETERMINES THAT ANY TERRORIST, AS DEFINED BY SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, IS CURRENTLY, HAS BEEN, OR WILL BE WITHIN THE NEXT NINETY DAYS, LIVING, WORKING OR ATTENDING AN EDUCATIONAL INSTITUTION WITHIN NEW YORK STATE, OR IS SCHEDULED FOR A CONDITIONAL RELEASE OR DISCHARGE IN NEW YORK STATE, OR IS SCHEDULED FOR A CONDITIONAL RELEASE OR DISCHARGE AND SUCH TERRORIST HAS EVIDENCED ANY INTENTION TO RESIDE IN NEW YORK STATE, THEN THE DIVISION SHALL ADD SUCH TERRORIST TO THE NEW YORK STATE TERRORIST REGISTRY, AND PROVIDE SUCH TERRORIST WITH NOTIFICATION IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

8. UPON INVESTIGATION IN ACCORDANCE WITH THIS SECTION, AND UPON A FINDING THAT THE PERSON INVESTIGATED MAY NOT HAVE COMMITTED A TERRORIST OFFENSE AS DEFINED IN SUBDIVISION TWO OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, OR A VERIFIABLE ACT OF TERRORISM, AS DEFINED IN SUBDIVISION THREE OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, BUT IN THE JOINT DETERMINATION OF THE DIVISION AND THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THAT SUCH PERSON NONETHELESS STILL PRESENTS A SERIOUS AND IMMEDIATE RISK OF PERFORMING, PROMOTING, SUPPORTING AND/OR FACILITATING A TERRORIST ACT AGAINST THE PEOPLE AND/OR PROPERTY OF THE STATE OF NEW YORK, THEN THE DIVISION MAY MAKE AN APPLICATION TO A SUPREME COURT, IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-J OF THIS ARTICLE, TO ADD SUCH PERSON TO THE NEW YORK STATE TERRORIST REGISTRY, AND IF SUCH COURT ISSUES THE CERTIFICATION, THEN THE DIVISION SHALL ADD SUCH PERSON TO THE REGISTRY, AND PROVIDE SUCH PERSON WITH NOTIFICATION IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

9. WHERE A COURT OF THE UNIFIED COURT SYSTEM IN NEW YORK, ISSUES A CERTIFICATION TO ADD A PERSON TO THE NEW YORK STATE TERRORIST REGISTRY, IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-J OF THIS ARTICLE, THEN THE DIVISION SHALL ADD SUCH PERSON TO THE REGISTRY, AND PROVIDE SUCH PERSON WITH NOTIFICATION IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

10. WHERE THE SUPREME COURT IN THE COUNTY WHERE A REGISTRANT RESIDES, OR THE SUPREME COURT OF ALBANY COUNTY WHERE A PERSON DOES NOT RESIDE IN NEW YORK STATE, ISSUES AN ORDER TO REMOVE A PERSON FROM THE NEW YORK STATE TERRORIST REGISTRY, IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-J OF THIS ARTICLE, THEN THE DIVISION SHALL REMOVE SUCH PERSON FROM THE REGISTRY, AND PROVIDE SUCH PERSON WITH NOTIFICATION OF THEIR REMOVAL

FROM THE REGISTRY, BUT THE DIVISION MAY APPEAL SUCH DECISION, AND SUCH REMOVAL SHALL NOT BE PERFORMED BY THE DIVISION UNTIL THE FINAL APPEAL IS DECIDED IN FAVOR OF THE PERSON SEEKING REMOVAL FROM THE REGISTRY.

S 169-I. INITIAL ASSEMBLY OF THE REGISTRY. THE DIVISION, WITHIN SIXTY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE, PURSUANT TO THE PROVISIONS OF THIS SECTION, SHALL CONDUCT INVESTIGATIONS, IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-H OF THIS ARTICLE, TO DETERMINE WHAT TERRORISTS SHALL BE INITIALLY ADDED TO THE REGISTRY, AND UPON SUCH INVESTIGATIONS AND DETERMINATIONS, SHALL ADD SUCH TERRORISTS TO THE REGISTRY, AND SHALL THEREAFTER NOTIFY SUCH TERRORISTS PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

S 169-J. DUTIES OF THE COURT. 1. UPON CONVICTION OF ANY OF THE OFFENSES SET FORTH IN ARTICLE FOUR HUNDRED NINETY OF THE PENAL LAW, THE COURT SHALL CERTIFY THAT THE PERSON IS A TERRORIST, AND SHALL INCLUDE THE CERTIFICATION IN THE ORDER OF COMMITMENT, IF ANY, AND JUDGMENT OF CONVICTION, AND SHALL ADDITIONALLY DIRECT THE DIVISION TO ADD SUCH PERSON, SO CONVICTED, TO THE NEW YORK STATE TERRORIST REGISTRY.

2. IN ACCORDANCE WITH SUBDIVISION EIGHT OF SECTION ONE HUNDRED SIXTY-NINE-H OF THIS ARTICLE, THE DIVISION, AFTER INVESTIGATION, MAY PETITION THE SUPREME COURT, ON NOTICE TO THE PERSON WHO IS THE SUBJECT OF THE INVESTIGATION BY MAILING A COPY OF THE PETITION TO THE LAST KNOWN ADDRESS OF SUCH PERSON, FOR A CERTIFICATION, THAT SUCH PERSON THAT IS THE SUBJECT OF SUCH INVESTIGATION, IN THE JOINT DETERMINATION OF THE DIVISION AND THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, PRESENTS A SERIOUS AND IMMEDIATE RISK OF PERFORMING, PROMOTING, SUPPORTING AND/OR FACILITATING A TERRORIST ACT AGAINST THE PEOPLE AND/OR PROPERTY OF THE STATE OF NEW YORK, AND THAT A CERTIFICATION SHOULD BE ISSUED, TO ADD SUCH PERSON TO THE NEW YORK STATE TERRORIST REGISTRY, AND IF SUCH COURT ISSUES THE CERTIFICATION, THEN THE DIVISION SHALL ADD SUCH PERSON TO THE REGISTRY, AND PROVIDE SUCH PERSON WITH NOTIFICATION IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE, BUT THE DIVISION MAY APPEAL ANY DECISION WHERE THE COURT DENIES THE CERTIFICATION AND DIRECTS THE DIVISION NOT TO ADD SUCH PERSON TO THE REGISTRY.

3. ANY PERSON ADDED BY THE DIVISION TO THE NEW YORK STATE TERRORIST REGISTRY MAY SEEK AN ORDER OF THE SUPREME COURT IN THE COUNTY WHERE SUCH REGISTRANT RESIDES, OR THE SUPREME COURT OF THE COUNTY OF ALBANY IF SUCH REGISTRANT DOES NOT RESIDE IN THE STATE OF NEW YORK, TO HAVE THEIR NAME AND INFORMATION REMOVED FROM THE REGISTRY, AS FOLLOWS:

(A) THAT TO ISSUE AN ORDER TO REMOVE THE REGISTRANT AND THEIR INFORMATION FROM THE NEW YORK STATE TERRORIST REGISTRY, THE COURT MUST FIND CONSIDERABLE GROUNDS THAT:

(I) THE NATURE AND CIRCUMSTANCES OF THE OFFENSE OR INCIDENT CAUSING THE PERSON TO BE DEFINED AS A TERRORIST DOES NOT MERIT THE PERSON'S NAME AND INFORMATION BEING ADDED TO THE REGISTRY;

(II) THE HISTORY AND CHARACTER OF SUCH PERSON DOES NOT MERIT THE PERSON'S NAME AND INFORMATION BEING ADDED TO THE REGISTRY;

(III) THE DIVISION, IN ADDING SUCH PERSON'S NAME TO THE REGISTRY ACTED IN AN ARBITRARY AND CAPRICIOUS MANNER, AND/OR FAILED TO COMPLY WITH THE PROVISIONS OF THIS ARTICLE; AND

(IV) THE COURT IS OF THE OPINION THAT SUCH REGISTRATION WOULD BE UNDULY HARSH AND INAPPROPRIATE;

(B) THAT WHERE THE SUPREME COURT ISSUES SUCH AN ORDER PURSUANT TO THIS SUBDIVISION TO REMOVE A PERSON FROM THE NEW YORK STATE TERRORIST REGISTRY, THE DIVISION SHALL REMOVE SUCH PERSON FROM THE REGISTRY, AND PROVIDE SUCH PERSON WITH NOTIFICATION OF THEIR REMOVAL FROM THE REGISTRY, BUT THE DIVISION MAY APPEAL SUCH DECISION; AND

(C) WHERE THE DIVISION APPEALS AN ORDER TO REMOVE A PERSON'S NAME AND INFORMATION FROM THE NEW YORK STATE TERRORIST REGISTRY, SUCH REMOVAL SHALL NOT BE PERFORMED BY THE DIVISION UNTIL THE FINAL APPEAL IS DECIDED IN FAVOR OF THE PERSON SEEKING REMOVAL.

4. IF THE PERSON CERTIFIED AS THE REGISTRANT IS PRESENT IN COURT, THEN THE COURT SHALL ADVISE SUCH PERSON OF HIS OR HER DUTIES UNDER THIS ARTICLE, BUT IN THE EVENT OF HIS OR HER ABSENCE FROM COURT, THE COURT SHALL DIRECT THE DIVISION TO MAIL SUCH TERRORIST A WRITTEN COPY OF AN EXPLANATION OF SUCH DUTIES IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

5. FAILURE TO INCLUDE THE CERTIFICATION IN THE ORDER OF COMMITMENT OR THE JUDGMENT OF CONVICTION SHALL NOT RELIEVE A TERRORIST OF THE OBLIGATIONS IMPOSED BY THIS ARTICLE, NOR PROHIBIT THE DIVISION FROM ADDING SUCH PERSON TO THE REGISTRY IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

6. ANY PERSON WHO A COURT CERTIFIES AS A REGISTRANT, 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, AND AT THE TIME SENTENCE IS IMPOSED, SUCH TERRORIST SHALL REGISTER WITH THE DIVISION ON THE STANDARDIZED REGISTRATION FORM PREPARED BY THE DIVISION IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE, AS FOLLOWS:

(A) THE COURT SHALL REQUIRE THE TERRORIST TO READ AND COMPLETE THE STANDARDIZED REGISTRATION FORM, SIGN THE SAME IN THE PRESENCE OF THE COURT, AND SUBMIT SUCH COMPLETED DOCUMENT BACK TO THE COURT;

(B) THE COURT SHALL GIVE ONE COPY OF THE COMPLETED STANDARDIZED REGISTRATION FORM TO THE TERRORIST, AND SHALL DIRECT THE IMMEDIATE TRANSMISSION OF TWO COPIES OF THE SAME TO THE DIVISION, WHICH SHALL ADD SUCH PERSON TO THE REGISTRY AND FORWARD THE INFORMATION COLLECTED TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION, IN ACCORDANCE WITH THIS ARTICLE;

(C) WITHIN FIFTEEN DAYS OF THE SUBMISSION OF THE COMPLETED STANDARDIZED REGISTRATION FORM TO THE COURT, THE PERSON CERTIFIED AS A TERRORIST SHALL PRESENT THEMSELVES TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION, IN ORDER TO SUBMIT TO A PHOTOGRAPH AND A DNA TEST; AND

(D) FROM SUCH COMPLETED STANDARDIZED REGISTRATION FORM, THE COURT SHALL PLACE UPON THE RECORD, THE ADDRESS WHERE THE TERRORIST EXPECTS TO RESIDE UPON HIS OR HER RELEASE.

7. ANY PERSON WHO A COURT CERTIFIES AS A REGISTRANT, IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, SHALL REGISTER WITH THE DIVISION ON THE STANDARDIZED FORM PREPARED BY THE DIVISION IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE, AS FOLLOWS:

(A) WITHIN TEN DAYS OF THE CERTIFICATION, THE DIVISION SHALL TRANSMIT BY MAIL TO THE TERRORIST, AT HIS OR HER LAST KNOWN ADDRESS, THE STANDARDIZED REGISTRATION FORM PREPARED BY THE DIVISION IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE, TOGETHER WITH THE REQUIRED NOTICE TO THE TERRORIST OF HIS OR HER DUTIES UNDER THIS ARTICLE, WITH DIRECTIONS THAT THE TERRORIST MUST READ AND COMPLETE THE STANDARDIZED REGISTRATION FORM, AND SIGN THE SAME;

(B) WITHIN THIRTY DAYS OF THE CERTIFICATION, THE PERSON CERTIFIED AS A TERRORIST, SHALL RETURN THEIR SIGNED, COMPLETED STANDARDIZED REGISTRATION FORM BACK TO THE DIVISION, AND UPON RECEIPT OF THE SAME, THE DIVISION SHALL MAIL A COPY OF THE SAME BACK TO THE TERRORIST, AND FORWARD THE INFORMATION CONTAINED WITHIN SUCH COMPLETED STANDARDIZED REGISTRA-

TION FORM TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION, IN ACCORDANCE WITH THIS ARTICLE; AND

(C) WITHIN FIFTEEN DAYS OF THE RECEIPT OF THE STANDARDIZED REGISTRATION FORM, THE REGISTRANT SHALL PRESENT THEMSELVES TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION, IN ORDER TO SUBMIT TO A PHOTOGRAPH, FINGERPRINTING AND A DNA TEST, AND INCLUDED WITH THE STANDARDIZED REGISTRATION FORM PREPARED BY THE DIVISION IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE, THE DIVISION, PURSUANT TO THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE, SHALL BE A NOTICE TO THE REGISTRANT, OF WHEN AND WHERE TO PRESENT THEMSELVES TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION, IN ORDER TO SUBMIT TO A PHOTOGRAPH, FINGERPRINTING AND A DNA TEST.

S 169-K. DISCHARGE OF A TERRORIST FROM CORRECTIONAL FACILITY; DUTIES OF OFFICIAL IN CHARGE.

1. UPON NOTICE TO THE DEPARTMENT BY THE DIVISION, ANY TERRORIST, TO BE DISCHARGED, PAROLED, RELEASED TO POST-RELEASE SUPERVISION OR RELEASED FROM ANY STATE OR LOCAL CORRECTIONAL FACILITY, HOSPITAL OR INSTITUTION WHERE HE OR SHE WAS CONFINED OR COMMITTED, SHALL, NOT LESS THAN 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 OR COMMITTED, BUT FAILURE OF THE DIVISION OR THE DEPARTMENT TO PROVIDE, OR FAILURE OF THE TERRORIST TO RECEIVE, SUCH NOTICE SHALL NOT RELIEVE THE TERRORIST OF ANY OBLIGATION UNDER THIS ARTICLE.

2. THE FACILITY SHALL PRESENT THE TERRORIST WITH, AND REQUIRE THE TERRORIST TO READ AND SIGN THE STANDARDIZED REGISTRATION FORM, PRODUCED BY THE DIVISION PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE, WHICH FORM SHALL, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE, PROVIDE A WRITTEN EXPLANATION OF THE TERRORIST'S DUTY TO REGISTER AS WELL AS AN ACKNOWLEDGMENT THAT THE PROCEDURE FOR REGISTRATION HAS BEEN PROVIDED TO HIM OR HER, AND THE FACILITY SHALL FURTHER DIRECT SUCH TERRORIST TO COMPLETE THE REGISTRATION PORTION OF SUCH STANDARDIZED REGISTRATION FORM.

3. THE FACILITY SHALL OBTAIN FROM SUCH STANDARDIZED REGISTRATION FORM THE ADDRESS WHERE THE REGISTRANT EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE, PAROLE OR RELEASE, AND SHALL MAINTAIN SUCH FOR ITS RECORDS.

4. THE FACILITY SHALL GIVE ONE COPY OF THE COMPLETED STANDARDIZED REGISTRATION FORM TO THE TERRORIST, AND SHALL DIRECT THE IMMEDIATE TRANSMISSION OF TWO COPIES OF THE SAME TO THE DIVISION, WHICH IF IT HAS NOT ALREADY, SHALL ADD SUCH PERSON TO THE NEW YORK STATE TERRORIST REGISTRY AND FORWARD THE INFORMATION COLLECTED TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION, IN ACCORDANCE WITH THIS ARTICLE.

5. WITHIN FIFTEEN DAYS OF THE SUBMISSION OF THE COMPLETED STANDARDIZED REGISTRATION FORM TO THE FACILITY, OR WITHIN FIFTEEN DAYS OF THE DISCHARGE, PAROLE, RELEASE TO POST-RELEASE SUPERVISION OR RELEASE FROM ANY STATE OR LOCAL CORRECTIONAL FACILITY, HOSPITAL OR INSTITUTION WHERE THE TERRORIST WAS CONFINED OR COMMITTED, WHICHEVER IS LATER, THE TERRORIST SHALL PRESENT THEMSELVES TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION, IN ORDER TO SUBMIT TO A PHOTOGRAPH AND A DNA TEST, AND INCLUDED WITH THE STANDARDIZED REGISTRATION FORM PREPARED BY THE DIVISION IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE, THE DIVISION, PURSUANT TO THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE, SHALL BE A NOTICE TO THE REGISTRANT, OF WHEN AND WHERE TO PRESENT THEMSELVES TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION, IN ORDER TO SUBMIT TO A PHOTOGRAPH, FINGERPRINTING AND A DNA TEST.

6. AT ANY TIME AFTER THE EFFECTIVE DATE OF THIS ARTICLE, THE DIVISION MAY REQUEST, AND THE DEPARTMENT SHALL THEN IMMEDIATELY TRANSMIT TO THE DIVISION, ALL THE CONVICTION DATA AND FINGERPRINTS OF THE TERRORIST.

7. UPON RECEIPT OF THE CONVICTION DATA AND FINGERPRINTS IN ACCORDANCE WITH SUBDIVISION SIX OF THIS SECTION, THE DIVISION SHALL IMMEDIATELY TRANSMIT SUCH CONVICTION DATA AND FINGERPRINTS TO THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THE FEDERAL BUREAU OF INVESTIGATION, AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY.

S 169-L. REGISTRATION AND VERIFICATION OF TERRORISTS. 1. ANY PERSON ADDED TO THE NEW YORK STATE TERRORIST REGISTRY BY THE DIVISION, IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-H OF THIS ARTICLE, SHALL BE REQUIRED, AND HAVE THE DUTY TO REGISTER AND VERIFY, AND PROVIDE THE REQUIRED REGISTRATION AND QUARTERLY VERIFICATION INFORMATION, IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE.

2. ANY TERRORIST ADDED TO THE NEW YORK STATE TERRORIST REGISTRY BY THE DIVISION, SHALL BE REQUIRED, AND SHALL HAVE THE INITIAL DUTY TO:

(A) REGISTER UNDER THIS ARTICLE;

(B) PROVIDE THE DIVISION WITH A COMPLETED, SIGNED, STANDARD REGISTRATION FORM, CONTAINING ALL THE REQUIRED REGISTRATION INFORMATION IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE;

(C) APPEAR TO, AND BE PHOTOGRAPHED BY, THE SPECIFIED LAW ENFORCEMENT AGENCY HAVING JURISDICTION;

(D) APPEAR TO, AND BE FINGERPRINTED BY, THE SPECIFIED LAW ENFORCEMENT AGENCY HAVING JURISDICTION;

(E) APPEAR TO, AND SUBMIT TO A DNA SAMPLE TAKEN BY, THE SPECIFIED LAW ENFORCEMENT AGENCY HAVING JURISDICTION; AND

(F) PROVIDE THE DIVISION WITH ANY OTHER AND FURTHER REGISTRATION INFORMATION REQUIRED BY THIS ARTICLE.

3. ANY TERRORIST ADDED TO THE NEW YORK STATE TERRORIST REGISTRY BY THE DIVISION, SHALL FURTHER BE REQUIRED, AND SHALL HAVE THE CONTINUING DUTY TO:

(A) VERIFY UNDER THIS ARTICLE;

(B) PROVIDE THE DIVISION WITH A COMPLETED, SIGNED, STANDARD VERIFICATION FORM, CONTAINING ALL THE REQUIRED VERIFICATION INFORMATION IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE;

(C) APPEAR TO, AND BE ANNUALLY PHOTOGRAPHED BY, THE SPECIFIED LAW ENFORCEMENT AGENCY HAVING JURISDICTION; AND

(D) PROVIDE THE DIVISION WITH ANY OTHER AND FURTHER VERIFICATION INFORMATION REQUIRED BY THIS ARTICLE.

4. THE DUTY TO REGISTER AND/OR VERIFY UNDER THE PROVISIONS OF THIS ARTICLE SHALL NOT BE APPLICABLE TO ANY PERSON WHOSE CONVICTION WAS REVERSED UPON APPEAL OR WHO WAS PARDONED BY THE GOVERNOR FOR THE OFFENSE WHICH WAS THE REASON THE DIVISION ADDED SUCH PERSON TO THE NEW YORK STATE TERRORIST REGISTRY.

5. ANY TERRORIST ADDED TO THE NEW YORK STATE TERRORIST REGISTRY, WHO IS A RESIDENT OF NEW YORK STATE, SHALL REGISTER HIS OR HER CURRENT ADDRESS AND THE ADDRESS OF HIS OR HER PLACE OF EMPLOYMENT OR EDUCATIONAL INSTITUTION ATTENDED WITH THE DIVISION, AND SHALL NOTIFY THE DIVISION OF ANY CHANGE OF RESIDENCE, EMPLOYMENT OR EDUCATIONAL INSTITUTION ADDRESS IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

6. ANY TERRORIST ADDED TO THE NEW YORK STATE TERRORIST REGISTRY, WHO IS NOT A RESIDENT OF NEW YORK STATE, BUT WHO IS EMPLOYED IN NEW YORK STATE OR WHO ATTENDS AN EDUCATIONAL INSTITUTION IN NEW YORK STATE, SHALL REGISTER HIS OR HER CURRENT ADDRESS AND THE ADDRESS OF HIS OR HER PLACE OF EMPLOYMENT OR EDUCATIONAL INSTITUTION ATTENDED WITH THE DIVISION, AND SHALL NOTIFY THE DIVISION OF ANY CHANGE OF RESIDENCE, EMPLOYMENT OR

EDUCATIONAL INSTITUTION ADDRESS IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

S 169-M. PRIOR CONVICTIONS; DUTY TO INFORM AND REGISTER. 1. THE DEPARTMENT OR OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL DETERMINE THE DURATION OF REGISTRATION AND NOTIFICATION FOR EVERY TERRORIST WHO, ON THE EFFECTIVE DATE OF THIS ARTICLE, IS THEN ON COMMUNITY SUPERVISION OR PROBATION.

2. EVERY TERRORIST WHO, ON THE EFFECTIVE DATE OF THIS ARTICLE, IS THEN ON COMMUNITY SUPERVISION OR PROBATION, WHO IS ADDED TO THE NEW YORK STATE TERRORIST REGISTRY BY THE DIVISION PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-H OF THIS ARTICLE, SHALL WITHIN FIFTEEN DAYS OF SUCH DETERMINATION BY THE DIVISION, REGISTER, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-L OF THIS ARTICLE, WITH HIS OR HER PAROLE OR PROBATION OFFICER.

3. ON THE THREE MONTH ANNIVERSARY OF THE TERRORIST'S INITIAL REGISTRATION DATE, AND ON EVERY THREE MONTHS THEREAFTER, THE TERRORIST SHALL FURTHER PROVIDE VERIFICATION AS REQUIRED PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-L OF THIS ARTICLE.

4. ANY REGISTRANT 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 TERRORIST WHO FAILS OR REFUSES TO REGISTER AND/OR VERIFY AS REQUIRED, AND SHALL BE SUBJECT TO THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-NINE-W OF THIS ARTICLE AND SECTION 490.23 OF THE PENAL LAW.

5. IT SHALL BE THE DUTY OF THE PAROLE OR PROBATION OFFICER TO INFORM AND REGISTER SUCH TERRORIST ACCORDING TO THE REQUIREMENTS IMPOSED BY THIS ARTICLE.

6. UPON REGISTRATION, A PAROLE OR PROBATION OFFICER SHALL GIVE ONE COPY OF THE STANDARDIZED REGISTRATION FORM TO THE TERRORIST AND SHALL, WITHIN THREE CALENDAR DAYS, SEND ONE COPY TO THE DIVISION, AND TWO COPIES EITHER ELECTRONICALLY OR OTHERWISE TO THE DEPARTMENT, WHEREUPON THE DEPARTMENT SHALL FORWARD ONE COPY ELECTRONICALLY OR OTHERWISE TO THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE TERRORIST RESIDES UPON HIS OR HER COMMUNITY SUPERVISION, PROBATION, OR LOCAL CONDITIONAL RELEASE.

S 169-N. DURATION OF REGISTRATION AND VERIFICATION. THE DURATION OF REGISTRATION AND VERIFICATION FOR A TERRORIST SHALL BE QUARTERLY FOR LIFE.

S 169-O. NOTIFICATION OF CHANGE OF ADDRESS. 1. UPON RECEIPT OF A CHANGE OF ADDRESS BY A TERRORIST 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 TERRORIST LAST RESIDED OF THE NEW PLACE OF RESIDENCE.

2. UPON RECEIPT OF CHANGE OF ADDRESS INFORMATION, THE LOCAL 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 TERRORIST CHANGES RESIDENCE TO ANOTHER STATE, NOTIFY THE APPROPRIATE AGENCY WITHIN THAT STATE OF THE NEW PLACE OF RESIDENCE.

S 169-P. REGISTRY INFORMATION SHARING. 1. THE DIVISION, PURSUANT TO THIS SECTION, IS AUTHORIZED TO SHARE THE NEW YORK STATE TERRORIST REGISTRY, AND ALL OF ITS INFORMATION CONTAINED THEREIN, WITH THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THE DIVISION OF STATE POLICE, THE DEPARTMENT, ANY COURT OF THE UNIFIED COURT SYSTEM, THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, THE UNITED STATES DEPARTMENT OF JUSTICE, THE UNITED STATES DEPARTMENT OF STATE, THE OFFICE OF THE DIREC-

TOR OF NATIONAL INTELLIGENCE, ANY LOCAL, STATE, NATIONAL AND INTERNATIONAL LAW ENFORCEMENT ENTITY, AND/OR ANY OTHER ENTITY THAT THE DIVISION DEEMS APPROPRIATE TO ADVANCE THE PURPOSES OF THIS ARTICLE.

2. THE DIVISION, PURSUANT TO THIS SECTION, IS FURTHER AUTHORIZED TO SHARE THE NEW YORK STATE TERRORIST REGISTRY, AND ALL OF ITS INFORMATION CONTAINED THEREIN, WITH STATE, REGIONAL OR NATIONAL REGISTRY OF TERRORISTS, INCLUDING BUT NOT LIMITED TO, THE TERRORIST SCREENING DATABASE MAINTAINED BY THE FEDERAL BUREAU OF INVESTIGATION'S TERRORIST SCREENING CENTER, AND/OR ANY AND ALL OTHER DATABASES MAINTAINED BY THE DIVISION OF THE STATE POLICE, AND/OR ANY AND ALL OTHER DATABASES MAINTAINED BY ANY LOCAL, STATE, NATIONAL AND INTERNATIONAL LAW ENFORCEMENT ENTITIES, AND/OR ANY OTHER ENTITY THAT MAINTAINS A CRIMINAL JUSTICE OR TERRORIST DATABASE THAT THE DIVISION DEEMS APPROPRIATE TO ADVANCE THE PURPOSES OF THIS ARTICLE.

3. THE DIVISION, PURSUANT TO THIS SECTION, MAY FURTHER ACCEPT FROM THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THE DIVISION OF STATE POLICE, THE DEPARTMENT, ANY COURT OF THE UNIFIED COURT SYSTEM, THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, THE UNITED STATES DEPARTMENT OF JUSTICE, THE UNITED STATES DEPARTMENT OF STATE, THE OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, ANY LOCAL, STATE, NATIONAL AND INTERNATIONAL LAW ENFORCEMENT ENTITY, AND/OR ANY OTHER ENTITY THAT THE DIVISION DEEMS APPROPRIATE, ANY AND ALL INFORMATION THAT THE DIVISION DEEMS WILL ADVANCE THE PURPOSES OF THIS ARTICLE, AND SHALL, AS CONSISTENT WITH THE PROVISIONS OF THIS SECTION REGARDING SECURE INFORMATION, MAKE SUCH INFORMATION AVAILABLE WHEN REQUESTED PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

4. THE DIVISION, PURSUANT TO THIS SECTION, MAY FURTHER ACCEPT FROM ANY STATE, REGIONAL OR NATIONAL REGISTRY OF TERRORISTS, INCLUDING BUT NOT LIMITED TO, THE TERRORIST SCREENING DATABASE MAINTAINED BY THE FEDERAL BUREAU OF INVESTIGATION'S TERRORIST SCREENING CENTER, AND/OR ANY AND ALL OTHER DATABASES MAINTAINED BY THE DIVISION OF THE STATE POLICE, AND/OR ANY AND ALL OTHER DATABASES MAINTAINED BY ANY LOCAL, STATE, NATIONAL AND INTERNATIONAL LAW ENFORCEMENT ENTITIES, AND/OR ANY OTHER ENTITY THAT MAINTAINS A CRIMINAL JUSTICE OR TERRORIST DATABASE THAT THE DIVISION DEEMS APPROPRIATE, ANY AND ALL INFORMATION THAT THE DIVISION DEEMS WILL ADVANCE THE PURPOSES OF THIS ARTICLE, AND SHALL, AS CONSISTENT WITH THE PROVISIONS OF THIS SECTION REGARDING SECURE INFORMATION, MAKE SUCH INFORMATION AVAILABLE WHEN REQUESTED PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

5. THE DIVISION, PURSUANT TO THIS SECTION, IN CONSULTATION WITH THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES AND THE DIVISION OF STATE POLICE, SHALL REVIEW THE INFORMATION CONTAINED ON THE REGISTRY, AND SHALL DETERMINE WHETHER THE DISCLOSURE OF ANY PARTICULAR INFORMATION CONTAINED ON THE REGISTRY MAY CAUSE A SECURITY RISK TO THE PEOPLE OR PROPERTY OF THE STATE OF NEW YORK.

6. UPON THE REVIEW MADE IN ACCORDANCE WITH SUBDIVISION FIVE OF THIS SECTION, AND A DETERMINATION THAT PARTICULAR INFORMATION NEEDS TO BE DEEMED SECURE, THE DIVISION SHALL REMOVE SUCH SECURE INFORMATION FROM PUBLIC ACCESSIBILITY, INCLUDING EXEMPTING SUCH INFORMATION FROM THE REQUIREMENTS OF THE POSTING ON THE DIVISION'S WEBSITE, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-T OF THIS ARTICLE, OR PROVIDING SUCH THROUGH THE SPECIAL TELEPHONE NUMBER IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-S OF THIS ARTICLE.

7. ANY INFORMATION DEEMED SECURE PURSUANT TO THIS SECTION SHALL NOT BE SUBJECT TO THE PROVISIONS OF THE NEW YORK STATE FREEDOM OF INFORMATION LAW PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS LAW.

8. IN NO EVENT SHALL A DETERMINATION THAT PARTICULAR INFORMATION SHALL BE DEEMED SECURE, PURSUANT TO THIS SECTION, PREVENT THE DIVISION FROM SHARING SUCH SECURE INFORMATION WITH ANY ENTITY IDENTIFIED FOR REGISTRY INFORMATION SHARING PURSUANT TO THIS SECTION.

S 169-Q. DNA AND FINGERPRINT CUSTODY AND ANALYSIS. 1. THE DIVISION, PURSUANT TO THIS SECTION, SHALL PROVIDE FOR THE SECURE CUSTODIAL TRANSFER OF THE DNA SAMPLE COLLECTED FROM THE TERRORIST BY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION TO THE LABORATORY MAINTAINED BY THE DIVISION OF STATE POLICE, AND/OR ANY OTHER APPROVED DNA ANALYSIS ENTITY AS CONTRACTED WITH BY THE DIVISION, FOR THE PRESERVATION, STORAGE AND ANALYSIS OF SUCH DNA SAMPLE.

2. THE DIVISION SHALL FURTHER PROVIDE FOR THE SUBSEQUENT SECURE CUSTODIAL TRANSFER OF THE DNA SAMPLE, AND/OR THE ANALYSIS PRODUCED THEREFROM, TO THE STATE DNA IDENTIFICATION INDEX, MAINTAINED PURSUANT TO SECTION NINE HUNDRED NINETY-FIVE-C OF THE EXECUTIVE LAW.

3. THE DIVISION, PURSUANT TO THIS SECTION, SHALL ALSO PROVIDE FOR THE SECURE, CUSTODIAL TRANSFER OF THE FINGERPRINTS COLLECTED FROM THE TERRORIST BY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, TO THE LABORATORY MAINTAINED BY THE DIVISION OF STATE POLICE, AND/OR ANY OTHER APPROVED FINGERPRINT ANALYSIS ENTITY AS CONTRACTED WITH BY THE DIVISION, FOR THE PRESERVATION, STORAGE AND ANALYSIS OF SUCH FINGERPRINTS.

S 169-R. REGISTRY AND VERIFICATION FEES. 1. THE DIVISION, PURSUANT TO THIS SECTION, SHALL:

(A) CHARGE A FEE OF ONE HUNDRED DOLLARS FOR THE INITIAL REGISTRATION OF THE TERRORIST;

(B) CHARGE A FEE OF TEN DOLLARS EACH TIME A TERRORIST REGISTERS ANY CHANGE OF ADDRESS; AND

(C) CHARGE A FEE OF TEN DOLLARS EACH TIME A TERRORIST APPEARS BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION TO PROVIDE AN UPDATED ANNUAL PHOTOGRAPH.

2. ALL FEES CHARGED, PURSUANT TO THIS SECTION, SHALL BE PAID TO THE DIVISION BY THE TERRORIST, AT THE TIME AND MANNER PRESCRIBED BY THE DIVISION.

3. THE STATE COMPTROLLER IS HEREBY AUTHORIZED TO DEPOSIT ANY AND ALL FEES COLLECTED PURSUANT TO THIS SECTION INTO THE GENERAL FUND.

S 169-S. SPECIAL TELEPHONE NUMBER. 1. 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 ON THE NEW YORK STATE TERRORIST REGISTRY.

2. THE DIVISION SHALL ASCERTAIN WHETHER A NAMED PERSON REASONABLY APPEARS TO BE A PERSON SO LISTED AND PROVIDE THE CALLER WITH THE RELEVANT INFORMATION.

3. THE DIVISION SHALL DECIDE WHETHER THE NAMED PERSON REASONABLY APPEARS TO BE A PERSON LISTED ON THE NEW YORK STATE TERRORIST REGISTRY, BASED UPON INFORMATION FROM THE CALLER PROVIDING INFORMATION THAT SHALL INCLUDE ANY THREE OF THE FOLLOWING:

(A) AN EXACT STREET ADDRESS, INCLUDING APARTMENT NUMBER, IF ANY, OF THE TERRORIST;

(B) THE DRIVER'S LICENSE NUMBER OR NON-DRIVER'S IDENTIFICATION CARD NUMBER OF THE TERRORIST;

(C) THE BIRTH DATE OF THE TERRORIST;

(D) THE SOCIAL SECURITY NUMBER OR TAXPAYER IDENTIFICATION NUMBER OF THE TERRORIST;

(E) THE HAIR COLOR OR EYE COLOR OF THE TERRORIST;

(F) THE HEIGHT, WEIGHT, OR BUILD OF THE TERRORIST;

(G) ANY DISTINCTIVE MARKINGS OR THE ETHNICITY OF THE TERRORIST; AND/OR

(H) THE NAME AND STREET ADDRESS OF THE TERRORIST'S EMPLOYER.

4. THAT UPON ASCERTAINING THAT THE NAMED PERSON REASONABLY APPEARS TO BE A PERSON LISTED ON THE NEW YORK STATE TERRORIST REGISTRY, BASED UPON INFORMATION FROM THE CALLER PROVIDING INFORMATION IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, THE DIVISION SHALL PROVIDE THE CALLER WITH THE FOLLOWING INFORMATION:

(A) THE NAME OF THE TERRORIST;

(B) THE AGE, PHYSICAL DESCRIPTION AND ANY DISTINCTIVE MARKINGS OF THE TERRORIST;

(C) THE MOST RECENT PHOTOGRAPH OF THE TERRORIST TAKEN BY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION;

(D) THE EXACT RESIDENTIAL ADDRESS OF THE TERRORIST;

(E) IF THE TERRORIST IS EMPLOYED, THE EXACT ADDRESS OF THE TERRORIST'S PLACE OF EMPLOYMENT;

(F) IF THE TERRORIST IS A STUDENT, THE EXACT ADDRESS OF THE EDUCATIONAL INSTITUTION THE TERRORIST IS ATTENDING; AND

(G) BACKGROUND INFORMATION ON THE TERRORIST, INCLUDING FOR EACH AND EVERY TERRORIST INCIDENT INVOLVING THE TERRORIST, THE TERRORIST'S CRIME OF CONVICTION, VERIFIABLE ACT OF TERRORISM, MODUS OF OPERATION, AND ANY OTHER INFORMATION THE DIVISION DEEMS RELEVANT.

5. WHEN THE SPECIAL TELEPHONE NUMBER IS CALLED, A PREAMBLE SHALL BE PLAYED BY THE DIVISION, WHICH SHALL PROVIDE THE FOLLOWING NOTICES:

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

(B) THAT THERE WILL BE NO CHARGE TO THE CALLER FOR USE OF THE SPECIAL TELEPHONE NUMBER;

(C) THAT THE CALLER SHALL BE REQUIRED TO PROVIDE THEIR NAME AND ADDRESS TO THE OPERATOR AND THAT SUCH SHALL BE MAINTAINED IN A WRITTEN RECORD;

(D) THAT THE CALLER IS REQUIRED TO BE NOT LESS THAN EIGHTEEN YEARS OF AGE;

(E) THAT IT IS ILLEGAL TO USE INFORMATION OBTAINED THROUGH THE TELEPHONE NUMBER TO COMMIT A CRIME AGAINST ANY PERSON REGISTERED ON THE NEW YORK STATE TERRORIST REGISTRY, OR TO ENGAGE IN ILLEGAL DISCRIMINATION OR HARASSMENT AGAINST SUCH PERSON;

(F) THAT THE CALLER IS REQUIRED TO HAVE THE IDENTIFYING INFORMATION REQUIRED TO BE PROVIDED IN SUBDIVISION THREE OF THIS SECTION REGARDING THE PERSON ABOUT WHOM INFORMATION IS SOUGHT IN ORDER TO ACHIEVE A POSITIVE IDENTIFICATION OF THAT PERSON;

(G) THAT THE SPECIAL TELEPHONE NUMBER IS NOT A CRIME HOTLINE AND THAT ANY SUSPECTED CRIMINAL OR TERRORIST ACTIVITY SHOULD BE REPORTED TO THE LOCAL, STATE OR FEDERAL AUTHORITIES; AND

(H) THAT AN INFORMATION PACKAGE WHICH WILL INCLUDE A DESCRIPTION OF THE LAW PERTAINING TO THE NEW YORK STATE TERRORIST REGISTRY IS AVAILABLE UPON REQUEST FROM THE DIVISION.

6. 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 SPECIAL 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, AND 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, AND 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.

7. THE DIVISION SHALL ON OR BEFORE SEPTEMBER FIRST IN EACH YEAR FILE A REPORT WITH THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE STATE ASSEMBLY, THE CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON GOVERNMENTAL OPERATIONS, ON THE OPERATION OF THE TELEPHONE NUMBER, AND SUCH ANNUAL REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, ALL OF THE FOLLOWING:

(A) THE 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) THE 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; AND

(D) A SUMMARY OF THE SUCCESS OF THE TELEPHONE NUMBER PROGRAM BASED UPON THE ABOVE OR ANY OTHER SELECTED FACTORS THE DIVISION SHALL DEEM RELEVANT.

8. THE DIVISION SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

S 169-T. INTERNET DIRECTORY. 1. THE DIVISION SHALL MAINTAIN AN INTERNET DIRECTORY OF TERRORISTS, WHICH SHALL INCLUDE FOR EACH TERRORIST:

(A) THE NAME OF THE TERRORIST;

(B) THE AGE, PHYSICAL DESCRIPTION AND ANY DISTINCTIVE MARKINGS OF THE TERRORIST;

(C) THE MOST RECENT PHOTOGRAPH OF THE TERRORIST TAKEN BY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION;

(D) THE EXACT RESIDENTIAL ADDRESS OF THE TERRORIST;

(E) IF THE TERRORIST IS EMPLOYED, THE EXACT ADDRESS OF THE TERRORIST'S PLACE OF EMPLOYMENT;

(F) IF THE TERRORIST BE A STUDENT, THE EXACT ADDRESS OF THE EDUCATIONAL INSTITUTION THE TERRORIST IS ATTENDING; AND

(G) BACKGROUND INFORMATION ON THE TERRORIST, INCLUDING EACH AND EVERY TERRORIST INCIDENT INVOLVING THE TERRORIST, THE TERRORIST'S CRIME OF CONVICTION, VERIFIABLE ACT OF TERRORISM, MODUS OF OPERATION, AND ANY OTHER INFORMATION THE DIVISION DEEMS RELEVANT.

2. THE INTERNET DIRECTORY SHALL HAVE TERRORIST LISTINGS CATEGORIZED BY COUNTY AND ZIP CODE.

3. THE INTERNET DIRECTORY SHALL BE MADE AVAILABLE AT ALL TIMES ON THE INTERNET VIA THE DIVISION HOMEPAGE.

4. ANY PERSON MAY APPLY TO THE DIVISION TO RECEIVE AUTOMATED E-MAIL NOTIFICATIONS WHENEVER A NEW OR UPDATED REGISTRATION OCCURS ON THE NEW YORK STATE TERRORIST REGISTRY, IN THE GEOGRAPHIC AREA SPECIFIED BY SUCH PERSON, BUT UNLESS THE APPLICANT IS AN EMPLOYEE OR ENTITY OF A STATE, LOCAL OR FEDERAL GOVERNMENT, ACTING IN THEIR OFFICIAL CAPACITY, SUCH E-MAIL NOTIFICATIONS SHALL BE LIMITED TO THREE GEOGRAPHIC AREAS PER E-MAIL ACCOUNT.

5. THE DIVISION SHALL NOT CHARGE FOR ACCESS TO THE INTERNET DIRECTORY NOR FOR THE RECEIPT OF E-MAIL NOTIFICATIONS.

6. 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.

7. THE DIVISION SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

S 169-U. 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 STATE, LOCAL AND/OR FEDERAL 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 ARTICLE UNLESS IT IS SHOWN THAT SUCH OFFICIAL, EMPLOYEE OR AGENCY ACTED WITH GROSS NEGLIGENCE OR IN BAD FAITH.

S 169-V. ANNUAL REPORT. THE DIVISION SHALL ON OR BEFORE SEPTEMBER FIRST IN EACH YEAR FILE A REPORT WITH THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE STATE ASSEMBLY, THE CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON GOVERNMENTAL OPERATIONS, DETAILING THE NEW YORK STATE TERRORIST REGISTRY PROGRAM ESTABLISHED BY THIS ARTICLE, THE DIVISION'S EXPERIENCE CONCERNING COMPLIANCE WITH PROVISIONS OF THIS ARTICLE, AND THE DIVISION'S EXPERIENCE CONCERNING THE EFFECTIVENESS OF THIS ARTICLE, TOGETHER WITH ANY RECOMMENDATIONS THE DIVISION MAY HAVE TO FURTHER ENHANCE THE INTENT OF THIS ARTICLE.

S 169-W. PENALTY. ANY TERRORIST REQUIRED TO REGISTER, OR TO PROVIDE INFORMATION, OR SUPPLEMENTAL INFORMATION, OR VERIFICATION, PURSUANT TO THE PROVISIONS OF THIS ARTICLE, OR WHO FAILS TO REGISTER OR TO PROVIDE INFORMATION, OR SUPPLEMENTAL INFORMATION, OR VERIFICATION, IN THE MANNER AND WITHIN THE TIME PERIODS PROVIDED FOR IN THIS ARTICLE, SHALL BE GUILTY OF A CLASS A FELONY, PURSUANT TO SECTION 490.23 OF THE PENAL LAW. ANY SUCH FAILURE TO REGISTER OR TO PROVIDE INFORMATION, OR SUPPLEMENTAL INFORMATION, OR VERIFICATION, PURSUANT TO THE PROVISIONS OF THIS ARTICLE, 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 THIS CHAPTER.

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

S 169-Y. 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 5. The penal law is amended by adding a new section 490.23 to read as follows:

S 490.23 FAILURE TO REGISTER OR VERIFY WITH THE NEW YORK STATE TERRORIST REGISTRY.

A PERSON IS GUILTY OF FAILURE TO REGISTER OR VERIFY WITH THE NEW YORK STATE TERRORIST REGISTRY, WHEN HE OR SHE IS REQUIRED TO REGISTER OR VERIFY WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO ARTICLE SIX-D OF THE CORRECTION LAW, AND FAILS TO REGISTER AS REQUIRED PURSUANT TO ARTICLE SIX-D OF THE CORRECTION LAW, OR FAILS TO PROVIDE REQUIRED INFORMATION, OR SUPPLEMENTAL INFORMATION, OR VERIFICATION AS REQUIRED PURSUANT TO ARTICLE SIX-D OF THE CORRECTION LAW.

FAILURE TO REGISTER OR VERIFY WITH THE NEW YORK STATE TERRORIST REGISTRY IS A CLASS A FELONY.

S 6. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.