

3464--C

2015-2016 Regular Sessions

I N S E N A T E

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Introduced by Sens. CROCI, ADDABBO, FELDER, AMEDORE, BOYLE, DeFRANCISCO, FARLEY, FLANAGAN, FUNKE, GRIFFO, LARKIN, LAVALLE, LITTLE, MARCELLINO, MARCHIONE, MARTINS, MURPHY, NOZZOLIO, O'MARA, ORTT, RANZENHOFER, ROBACH, SERINO, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- recommitted to the Committee on Veterans, Homeland Security and Military Affairs in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the executive law, the correction law, the penal law, and the state finance 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:

1 Section 1. This act shall be known and may be cited as the "New York
2 state terrorist registry act".
3 S 2. The executive law is amended by adding a new section 719 to read
4 as follows:
5 S 719. TERRORIST REGISTRY INFORMATION SHARING. 1. UPON REQUEST, THE
6 DIVISION OF CRIMINAL JUSTICE SERVICES SHALL PROVIDE ANY AND ALL INFORMA-
7 TION IT OBTAINS, ON ANY TERRORIST REQUIRED TO BE REGISTERED PURSUANT TO
8 ARTICLE SIX-D OF THE CORRECTION LAW, TO THE DIVISION OF HOMELAND SECURI-
9 TY AND EMERGENCY SERVICES, AND THE PROVISION OF SUCH INFORMATION SHALL
10 BE IN THE FORM AND MANNER AS THE DIVISION OF HOMELAND SECURITY AND EMER-
11 GENCY SERVICES MAY SO REQUEST.

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

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1 2. UPON REQUEST, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL
2 FURTHER REGULARLY SUPPLEMENT THE INFORMATION PROVIDED PURSUANT TO SUBDI-
3 VISION ONE OF THIS SECTION, SO AS TO DELIVER ANY NEW, DIFFERENT OR ADDI-
4 TIONAL INFORMATION NOT PREVIOUSLY PROVIDED TO THE DIVISION OF HOMELAND
5 SECURITY AND EMERGENCY SERVICES.

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

13 S 3. The executive law is amended by adding a new section 233 to read
14 as follows:

15 S 233. TERRORIST REGISTRY INFORMATION SHARING. 1. UPON REQUEST, THE
16 DIVISION OF CRIMINAL JUSTICE SERVICES SHALL PROVIDE ANY AND ALL INFORMA-
17 TION IT OBTAINS, ON ANY TERRORIST REQUIRED TO BE REGISTERED PURSUANT TO
18 ARTICLE SIX-D OF THE CORRECTION LAW, TO THE DIVISION OF STATE POLICE,
19 AND THE PROVISION OF SUCH INFORMATION SHALL BE IN THE FORM AND MANNER AS
20 THE DIVISION OF STATE POLICE MAY SO REQUEST.

21 2. UPON REQUEST, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL
22 FURTHER REGULARLY SUPPLEMENT THE INFORMATION PROVIDED PURSUANT TO SUBDI-
23 VISION ONE OF THIS SECTION, SO AS TO DELIVER ANY NEW, DIFFERENT, OR
24 ADDITIONAL INFORMATION NOT PREVIOUSLY PROVIDED TO THE DIVISION OF STATE
25 POLICE.

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

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

35 ARTICLE 6-D
36 TERRORIST REGISTRY

- 37 SECTION 169-A. LEGISLATIVE FINDINGS.
- 38 169-B. DEFINITIONS.
- 39 169-C. DUTIES OF THE DIVISION.
- 40 169-D. REGISTRATION INFORMATION.
- 41 169-E. REGISTRANT NOTIFICATION; STANDARDIZED REGISTRATION AND
42 VERIFICATION FORMS.
- 43 169-F. EXAMINATION OF POTENTIAL REGISTRANTS.
- 44 169-G. INITIAL ASSEMBLY OF THE REGISTRY.
- 45 169-H. REGISTRATION AND VERIFICATION OF TERRORISTS.
- 46 169-I. DUTIES OF THE COURT.
- 47 169-J. RESPONSIBILITIES OF A CONFINEMENT ENTITY PRIOR TO
48 DISCHARGE OF A TERRORIST.
- 49 169-K. RESPONSIBILITIES DURING COMMUNITY SUPERVISION OR
50 PROBATION.
- 51 169-L. DURATION OF REGISTRATION AND VERIFICATION.
- 52 169-M. NOTIFICATION OF CHANGE OF ADDRESS.
- 53 169-N. REGISTRY INFORMATION SHARING.
- 54 169-O. DNA AND FINGERPRINT CUSTODY AND ANALYSIS.
- 55 169-P. REGISTRY AND VERIFICATION FEES.
- 56 169-Q. SPECIAL TELEPHONE NUMBER.

1 169-R. INTERNET DIRECTORY.
2 169-S. IMMUNITY FROM LIABILITY.
3 169-T. ANNUAL REPORT.
4 169-U. PENALTY.
5 169-V. UNAUTHORIZED RELEASE OF INFORMATION.
6 169-W. EXPENSES INCURRED BY GOVERNMENTAL ENTITIES.
7 169-X. SEPARABILITY.

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

11 THE LEGISLATURE ADDITIONALLY FINDS AND DETERMINES, THAT IT IS THE
12 FIRST RESPONSIBILITY OF ANY GOVERNMENT TO PROVIDE FOR THE PUBLIC
13 PROTECTION AND SAFETY OF ITS CITIZENS, AND THAT IN ORDER TO ASSURE SUCH
14 PUBLIC PROTECTION AND SAFETY, NEW YORK MUST TAKE ACTIVE STEPS TO ADVANCE
15 A PROGRAM OF PREVENTION OF, RESPONSE TO, AND RECOVERY FROM, TERRORIST
16 ATTACKS.

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

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

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

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

36 2. "TERRORIST OFFENSE" MEANS ANY OFFENSE:

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

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

41 (C) SET FORTH IN SECTIONS 32, 37, 81, 175, 175B, 229, 351, 831, 844
42 (F), 844 (I), 930 (C), 956, 1038, 1114, 1116, 1203, 1362, 1363, 1366,
43 1751, 1992, 1993, 2155, 2280, 2281, 2332, 2332A, 2332B, 2332C, 2332D,
44 2332E, 2332F, 2332G, 2332H, 2339, 2339A, 2339B, 2339C, AND/OR 2339D OF
45 TITLE 18 OF THE UNITED STATES CODE;

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

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

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

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

1 (A) CONVICTED BY A COMBAT STATUS REVIEW TRIBUNAL OR MILITARY COMMIS-
2 SION OF ANY ACT OF TERRORISM, TERRORIST ACTIVITIES, OR THE HARBORING,
3 SUPPORT AND/OR PROMOTION OF TERRORISTS OF TERRORIST ACTIVITIES;

4 (B) CONVICTED BY A MILITARY OR CIVILIAN COURT OF COMPETENT JURISDIC-
5 TION OF ANY ACT OF TERRORISM, TERRORIST ACTIVITIES, OR THE HARBORING,
6 SUPPORT AND/OR PROMOTION OF TERRORISTS OR TERRORIST ACTIVITIES IN
7 VIOLATION OF THE UNIFORM CODE OF MILITARY JUSTICE;

8 (C) SUBJECT TO AN ORDER OF DETENTION BY THE ARMED FORCES OF THE UNITED
9 STATES, ANY OTHER GOVERNMENT AGENCY OF THE UNITED STATES, OR ANY
10 CONTRACTOR OF THE GOVERNMENT OF THE UNITED STATES THAT IS AUTHORIZED BY
11 THE GOVERNMENT OF THE UNITED STATES TO MAKE SUCH DETENTIONS, UPON A
12 DETERMINATION THAT SUCH PERSON WAS AT ANY TIME, A FOREIGN ENEMY COMBA-
13 TANT OR AN ILLEGAL ENEMY COMBATANT;

14 (D) DEPORTED OR TRANSPORTED, TO A COUNTRY, OTHER THAN THE UNITED
15 STATES, BY THE GOVERNMENT OF THE UNITED STATES, OR ANY DEPARTMENT OR
16 AGENCY THEREOF, UPON A DETERMINATION OF INVOLVEMENT IN TERRORIST ACTIV-
17 ITIES, OR THE HARBORING, SUPPORT AND/OR PROMOTION OF TERRORISTS OR
18 TERRORIST ACTIVITIES; OR

19 (E) DESIGNATED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY,
20 THE UNITED STATES DEPARTMENT OF STATE, THE UNITED STATES DEPARTMENT OF
21 JUSTICE, THE UNITED STATES DEPARTMENT OF DEFENSE OR ANY OF ITS ARMED
22 SERVICES, THE UNITED STATES CENTRAL INTELLIGENCE AGENCY, AND/OR THE
23 OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, AS A PERSON WHO HAS
24 COMMITTED A TERRORIST ACT AGAINST THE UNITED STATES OR ANY OF ITS CITI-
25 ZENS, AND/OR WHO IS A MEMBER OF A DESIGNATED TERRORIST ORGANIZATION
26 PURSUANT TO SECTION 1189 OF TITLE 8 OF THE UNITED STATES CODE.

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

31 5. "LAW ENFORCEMENT AGENCY HAVING JURISDICTION" MEANS:

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

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

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

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

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

47 7. "DEPARTMENT" MEANS THE DEPARTMENT OF CORRECTIONS AND COMMUNITY
48 SUPERVISION, AS DEFINED IN SUBDIVISION ONE OF SECTION TWO, AND SECTION
49 FIVE, OF THIS CHAPTER.

50 8. "OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES" MEANS THE
51 OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES AS DESCRIBED IN
52 SECTION TWO HUNDRED FORTY OF THE EXECUTIVE LAW.

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

1 10. "LOCAL CORRECTIONAL FACILITY" MEANS THE LOCAL CORRECTIONAL FACILI-
2 TY AS THAT TERM IS DEFINED IN SUBDIVISION SIXTEEN OF SECTION TWO OF THIS
3 CHAPTER.

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

7 12. "INTERNET ACCESS PROVIDER" MEANS ANY BUSINESS, ORGANIZATION OR
8 OTHER ENTITY ENGAGED IN THE BUSINESS OF PROVIDING A COMPUTER AND COMMU-
9 NICATIONS FACILITY THROUGH WHICH A CUSTOMER MAY OBTAIN ACCESS TO THE
10 INTERNET.

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

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

18 15. "CELLULAR SERVICE PROVIDER" MEANS ANY BUSINESS, ORGANIZATION OR
19 OTHER ENTITY ENGAGED IN THE BUSINESS OF PROVIDING CELLULAR TELEPHONE OR
20 DEVICE SERVICE THROUGH WHICH A CUSTOMER MAY MAKE CELLULAR TELEPHONE
21 CALLS OR OBTAIN ACCESS TO THE INTERNET, BUT DOES NOT INCLUDE A BUSINESS,
22 ORGANIZATION OR OTHER ENTITY TO THE EXTENT THAT IT PROVIDES ONLY LAND
23 LINE OR CABLE TELECOMMUNICATIONS SERVICES.

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

27 17. "REGISTRANT" MEANS A TERRORIST, THAT UPON EXAMINATION, PURSUANT TO
28 SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE, THE DIVISION HAS
29 DETERMINED SHALL BE REQUIRED TO REGISTER WITH, AND BE ADDED TO, THE NEW
30 YORK STATE TERRORIST REGISTRY.

31 18. "CONFINEMENT ENTITY" MEANS THE DEPARTMENT, OR ANY OTHER OFFICE,
32 AGENCY, GOVERNMENT, CORPORATION OR OTHER INSTITUTION WHICH MAINTAINS THE
33 CORRECTIONAL FACILITY, HOSPITAL, LOCAL CORRECTIONAL FACILITY, OR ANY
34 OTHER SIMILAR TYPE OF SECURE FACILITY, AT WHICH A TERRORIST, AS DEFINED
35 IN SUBDIVISION ONE OF THIS SECTION, IS CONFINED.

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

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

48 3. INITIAL ASSEMBLY OF THE REGISTRY. THE DIVISION, PURSUANT TO SECTION
49 ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE, SHALL CONDUCT EXAMINATIONS TO
50 DETERMINE WHAT TERRORISTS SHALL BE INITIALLY ADDED TO THE REGISTRY, AND
51 UPON SUCH EXAMINATIONS AND DETERMINATIONS, IN ACCORDANCE WITH SECTION
52 ONE HUNDRED SIXTY-NINE-G OF THIS ARTICLE, SHALL ADD SUCH TERRORISTS TO
53 THE NEW YORK STATE TERRORIST REGISTRY.

54 4. EXAMINATIONS OF POTENTIAL REGISTRANTS. THE DIVISION, IN ACCORDANCE
55 WITH SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE, SHALL MAKE REGU-

1 LAR EXAMINATIONS TO DETERMINE WHAT TERRORISTS SHALL BE ADDED TO THE
2 REGISTRY.

3 5. STANDARDIZED REGISTRATION INFORMATION FORM, PERSONALIZED REGISTRA-
4 TION INFORMATION FORM AND STANDARDIZED REGISTRATION FORM. THE DIVISION
5 SHALL DEVELOP A STANDARDIZED REGISTRATION INFORMATION FORM, A PERSONAL-
6 IZED REGISTRATION INFORMATION FORM AND A STANDARDIZED REGISTRATION FORM,
7 PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

8 6. STANDARDIZED VERIFICATION INFORMATION FORM, PERSONALIZED VERIFICA-
9 TION FORM AND STANDARDIZED VERIFICATION FORM. THE DIVISION SHALL DEVELOP
10 A STANDARDIZED VERIFICATION INFORMATION FORM, A PERSONALIZED VERIFICA-
11 TION FORM AND A STANDARDIZED VERIFICATION FORM, PURSUANT TO SECTION ONE
12 HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

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

17 8. NOTIFICATION OF CHANGE OF ADDRESS. THE DIVISION, PURSUANT TO
18 SECTION ONE HUNDRED SIXTY-NINE-M OF THIS ARTICLE, SHALL PROVIDE FOR THE
19 NOTIFICATION OF LAW ENFORCEMENT AGENCIES HAVING JURISDICTION, WHEN A
20 REGISTRANT NOTIFIES THE DIVISION OF A CHANGE OF ADDRESS.

21 9. REGISTRY INFORMATION SHARING. THE DIVISION, PURSUANT TO SECTION ONE
22 HUNDRED SIXTY-NINE-N OF THIS ARTICLE, IS AUTHORIZED TO SHARE THE NEW
23 YORK STATE TERRORIST REGISTRY, AND ALL THE INFORMATION CONTAINED THERE-
24 IN, TO ADVANCE THE PURPOSES OF THIS ARTICLE.

25 10. SECURE INFORMATION. THE DIVISION, PURSUANT TO SECTION ONE HUNDRED
26 SIXTY-NINE-N OF THIS ARTICLE, IN CONSULTATION WITH THE DIVISION OF HOME-
27 LAND SECURITY AND EMERGENCY SERVICES AND THE DIVISION OF STATE POLICE,
28 SHALL REVIEW THE INFORMATION CONTAINED ON THE REGISTRY, AND SHALL DETER-
29 MINE WHETHER THE DISCLOSURE OF ANY PARTICULAR INFORMATION CONTAINED ON
30 THE REGISTRY MAY CAUSE A SECURITY RISK TO THE PEOPLE OR PROPERTY OF THE
31 STATE OF NEW YORK, AND UPON SUCH DETERMINATION THAT SUCH PARTICULAR
32 INFORMATION NEEDS TO BE DEEMED SECURE, THE DIVISION SHALL REMOVE SUCH
33 SECURE INFORMATION FROM PUBLIC ACCESSIBILITY.

34 11. DNA CUSTODY AND ANALYSIS. THE DIVISION, PURSUANT TO SECTION ONE
35 HUNDRED SIXTY-NINE-O OF THIS ARTICLE, SHALL PROVIDE FOR THE SECURE,
36 CUSTODIAL TRANSFER OF THE DNA SAMPLE COLLECTED FROM THE REGISTRANT, FOR
37 THE PRESERVATION, STORAGE AND ANALYSIS OF SUCH DNA SAMPLE, AND SHALL
38 FURTHER PROVIDE FOR THE SUBSEQUENT SECURE CUSTODIAL TRANSFER OF THE DNA
39 SAMPLE, AND/OR THE ANALYSIS PRODUCED THEREFROM, TO THE STATE DNA IDEN-
40 TIFICATION INDEX, MAINTAINED PURSUANT TO SECTION NINE HUNDRED
41 NINETY-FIVE-C OF THE EXECUTIVE LAW.

42 12. FINGERPRINT CUSTODY AND ANALYSIS. THE DIVISION, PURSUANT TO
43 SECTION ONE HUNDRED SIXTY-NINE-O OF THIS ARTICLE, SHALL PROVIDE FOR THE
44 SECURE, CUSTODIAL TRANSFER OF THE FINGERPRINTS COLLECTED FROM THE REGIS-
45 TRANT, TO THE LABORATORY MAINTAINED BY THE DIVISION OF STATE POLICE, OR
46 ANOTHER APPROVED FINGERPRINT ANALYSIS ENTITY AS CONTRACTED WITH BY THE
47 DIVISION, FOR THE PRESERVATION, STORAGE AND ANALYSIS OF SUCH FINGER-
48 PRINTS.

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

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

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

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

13 1. PERSONAL INFORMATION, INCLUDING:

14 (A) THE TERRORIST'S NAME;

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

16 (C) THE DATE OF BIRTH OF THE TERRORIST;

17 (D) THE SEX OF THE TERRORIST;

18 (E) THE RACE OF THE TERRORIST;

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

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

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

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

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

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

30 (L) ANY AND ALL INTERNET ACCOUNTS WITH INTERNET SERVICE/ACCESS PROVID-
31 ERS BELONGING TO SUCH TERRORIST;

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

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

38 2. FORENSIC INFORMATION, INCLUDING:

39 (A) A PHOTOGRAPH OF THE TERRORIST, TAKEN IN ACCORDANCE WITH THE
40 PROVISIONS OF THIS ARTICLE, WHICH SHALL BE UPDATED ANNUALLY;

41 (B) A COMPLETE SET OF FINGERPRINTS OF THE TERRORIST, COLLECTED IN
42 ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE;

43 (C) A DNA SAMPLE, COLLECTED IN ACCORDANCE WITH THE PROVISIONS OF THIS
44 ARTICLE, WITH SUCH SAMPLE BEING COMPLIANT WITH TESTING FOR THE COMBINED
45 DNA INDEX SYSTEM (CODIS), AND WITH SUCH SAMPLE CAPABLE OF PROVIDING A
46 REPORT AND ANALYSIS OF AUTOSOMAL DNA (ATDNA), MITOCHONDRIAL DNA (MTDNA)
47 AND Y-CHROMOSOME DNA (Y-DNA), TOGETHER WITH ANY OTHER SCREENING OR DNA
48 TESTING AS MAY BE REQUIRED BY THE DIVISION; AND

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

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

3 (A) A COMPLETE DESCRIPTION OF THE INCIDENT AND ITS SURROUNDING EVENTS
4 FOR WHICH THE TERRORIST WAS CONVICTED, DETAINED, DEPORTED, TRANSPORTED,
5 OR DESIGNATED;

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

8 (C) A COMPLETE DESCRIPTION OF EACH AND EVERY CONSEQUENCE OF THE INCI-
9 DENT AND ITS SURROUNDING EVENTS FOR WHICH THE TERRORIST WAS CONVICTED,
10 DETAINED, DEPORTED, TRANSPORTED, OR DESIGNATED, INCLUDING EACH AND EVERY
11 SENTENCE, FINE, PUNISHMENT AND/OR SANCTION IMPOSED AS A RESULT OF THE
12 INCIDENT; AND

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

17 4. EMPLOYMENT INFORMATION OF THE TERRORIST, INCLUDING:

18 (A) IN THE CASE OF A TERRORIST WHO IS EMPLOYED, OR WHO EXPECTS TO BE
19 EMPLOYED:

20 (I) THE NAME AND ADDRESS OF THE TERRORIST'S CURRENT OR EXPECTED
21 EMPLOYER;

22 (II) A COMPLETE DESCRIPTION OF THE TERRORIST'S EMPLOYMENT DUTIES, WORK
23 LOCATIONS, JOB TITLES AND TOOLS AND MATERIALS UTILIZED DURING THE COURSE
24 OF EMPLOYMENT; AND

25 (III) A COMPLETE LIST OF THE TERRORIST'S SUPERVISORS; AND

26 (B) IN THE CASE OF A TERRORIST WHO IS A STUDENT, OR WHO EXPECTS TO BE
27 A STUDENT:

28 (I) THE NAME AND ADDRESS OF THE TERRORIST'S EDUCATIONAL INSTITUTION OR
29 EXPECTED EDUCATIONAL INSTITUTION;

30 (II) A COMPLETE DESCRIPTION OF THE TERRORIST'S CLASSES TAKEN, OR
31 EXPECTED TO BE TAKEN, CLASSROOM LOCATIONS, AND EDUCATIONAL CREDITS; AND

32 (III) A COMPLETE LIST OF THE TERRORIST'S PROFESSORS.

33 5. SUPPLEMENTAL AND VERIFICATION INFORMATION OF THE TERRORIST, INCLUD-
34 ING:

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

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

38 S 169-E. REGISTRANT NOTIFICATION; STANDARDIZED REGISTRATION AND
39 VERIFICATION FORMS. 1. REGISTRATION PACKET. THE DIVISION SHALL CREATE A
40 NON-FORWARDABLE REGISTRATION PACKET, WHICH SHALL CONSIST OF A STANDARD-
41 IZED REGISTRATION INFORMATION FORM, A PERSONALIZED REGISTRATION INFORMA-
42 TION FORM, AND A STANDARDIZED REGISTRATION FORM.

43 2. STANDARDIZED REGISTRATION INFORMATION FORM. THE DIVISION SHALL
44 CREATE A STANDARDIZED REGISTRATION INFORMATION FORM, IN CLEAR AND
45 CONCISE LANGUAGE, WITH THE PURPOSE OF PROVIDING INFORMATION TO EVERY
46 TERRORIST, REQUIRED TO REGISTER WITH THE NEW YORK STATE TERRORIST REGIS-
47 TRY, ON THE FOLLOWING:

48 (A) DUTY AND OBLIGATION TO REGISTER. THE STANDARDIZED REGISTRATION
49 INFORMATION FORM SHALL PROVIDE INFORMATION CONCERNING THE REGISTRANT'S
50 DUTY AND OBLIGATION TO REGISTER WITH THE DIVISION;

51 (B) FURTHER DUTIES AND OBLIGATIONS OF REGISTRANTS. THE STANDARDIZED
52 REGISTRATION INFORMATION FORM SHALL ALSO PROVIDE INFORMATION ADVISING
53 THE REGISTRANT OF HIS OR HER DUTIES AND OBLIGATIONS UNDER THIS ARTICLE;
54 AND

55 (C) MANNER OF REGISTRATION. THE STANDARDIZED REGISTRATION INFORMATION
56 FORM SHALL ADDITIONALLY PROVIDE INFORMATION CONCERNING THE MANNER AND

1 PROCEDURES THAT A REGISTRANT SHALL BE REQUIRED TO FOLLOW, IN ORDER TO
2 PROPERLY REGISTER IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE,
3 INCLUDING:

4 (I) DETAILED DIRECTIONS AND INFORMATION AS TO HOW TO COMPLETE THE
5 STANDARDIZED REGISTRATION FORM;

6 (II) DETAILED DIRECTIONS AND INFORMATION AS TO HOW THE REGISTRANT MUST
7 APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, AS WELL AS
8 INFORMATION CONCERNING THE REGISTRANT'S REQUIREMENT TO PROVIDE HIS OR
9 HER PHOTOGRAPH, FINGERPRINTS AND A DNA SAMPLE TO SUCH LAW ENFORCEMENT
10 AGENCY; AND

11 (III) DETAILED DIRECTIONS AND INFORMATION CONCERNING THE REGISTRANT'S
12 RESPONSIBILITY TO PAY A ONE HUNDRED DOLLAR REGISTRATION FEE TO THE DIVI-
13 SION, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-P OF THIS ARTICLE, AND
14 THE AVAILABLE MEANS AND MANNER IN WHICH SUCH FEE SHALL BE PAID.

15 3. PERSONALIZED REGISTRATION INFORMATION FORM. THE DIVISION SHALL
16 CREATE A PERSONALIZED REGISTRATION INFORMATION FORM, IN CLEAR AND
17 CONCISE LANGUAGE, WITH THE PURPOSE OF PROVIDING INFORMATION TO EVERY
18 TERRORIST REQUIRED TO REGISTER WITH THE NEW YORK STATE TERRORIST REGIS-
19 TRY WITH DETAILED DIRECTIONS AND INFORMATION AS TO WHERE THE REGISTRANT
20 MUST APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, WHICH
21 SHALL SPECIFY THE ADDRESS, TELEPHONE NUMBER AND DESIGNATED CONTACT
22 PERSON OF SUCH LAW ENFORCEMENT AGENCY.

23 4. STANDARDIZED REGISTRATION FORM. THE DIVISION SHALL CREATE A STAND-
24 ARDIZED REGISTRATION FORM, IN CLEAR AND CONCISE LANGUAGE, WITH THE
25 PURPOSE OF COLLECTING THE REGISTRATION INFORMATION IDENTIFIED IN SECTION
26 ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE, FROM EVERY TERRORIST REQUIRED
27 TO REGISTER WITH THE NEW YORK STATE TERRORIST REGISTRY.

28 5. VERIFICATION PACKET. THE DIVISION SHALL CREATE A NON-FORWARDABLE
29 VERIFICATION PACKET, WHICH SHALL CONSIST OF A STANDARDIZED VERIFICATION
30 INFORMATION FORM, A PERSONALIZED VERIFICATION INFORMATION FORM, AND A
31 STANDARDIZED VERIFICATION FORM.

32 6. STANDARDIZED VERIFICATION INFORMATION FORM. THE DIVISION SHALL
33 CREATE A STANDARDIZED VERIFICATION INFORMATION FORM, IN CLEAR AND
34 CONCISE LANGUAGE, WITH THE PURPOSE OF PROVIDING INFORMATION TO EVERY
35 TERRORIST, REQUIRED TO REGISTER WITH THE NEW YORK STATE TERRORIST REGIS-
36 TRY, ON THE FOLLOWING:

37 (A) DUTY AND OBLIGATION TO PROVIDE VERIFICATION. THE STANDARDIZED
38 VERIFICATION INFORMATION FORM SHALL PROVIDE INFORMATION CONCERNING THE
39 REGISTRANT'S DUTY AND OBLIGATION TO PROVIDE QUARTERLY VERIFICATION WITH
40 THE DIVISION;

41 (B) FURTHER DUTIES AND OBLIGATIONS OF REGISTRANTS. THE STANDARDIZED
42 VERIFICATION INFORMATION FORM SHALL ALSO PROVIDE INFORMATION ADVISING
43 THE REGISTRANT OF HIS OR HER DUTIES AND OBLIGATIONS UNDER THIS ARTICLE;
44 AND

45 (C) MANNER OF REGISTRATION. THE STANDARDIZED VERIFICATION INFORMATION
46 FORM SHALL ADDITIONALLY PROVIDE INFORMATION CONCERNING THE MANNER AND
47 PROCEDURES THAT A REGISTRANT SHALL BE REQUIRED TO FOLLOW, IN ORDER TO
48 PROPERLY PROVIDE VERIFICATION IN ACCORDANCE WITH THE PROVISIONS OF THIS
49 ARTICLE, INCLUDING:

50 (I) DETAILED DIRECTIONS AND INFORMATION AS TO HOW TO COMPLETE THE
51 STANDARDIZED VERIFICATION FORM;

52 (II) DETAILED DIRECTIONS AND INFORMATION AS TO HOW TO APPEAR BEFORE
53 THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, CONCERNING THE REGIS-
54 TRANT'S REQUIREMENT TO ANNUALLY UPDATE HIS OR HER PHOTOGRAPH WITH SUCH
55 LAW ENFORCEMENT AGENCY; AND

1 (III) DETAILED DIRECTIONS AND INFORMATION CONCERNING THE TERRORIST'S
2 RESPONSIBILITY TO PAY A TEN DOLLAR CHANGE OF ADDRESS FEE TO THE DIVI-
3 SION, AS WELL AS A TEN DOLLAR ANNUAL UPDATED PHOTOGRAPH FEE, PURSUANT TO
4 SECTION ONE HUNDRED SIXTY-NINE-P OF THIS ARTICLE, AND THE AVAILABLE
5 MEANS AND MANNER IN WHICH SUCH FEE OR FEES SHALL BE PAID.

6 7. PERSONALIZED VERIFICATION INFORMATION FORM. THE DIVISION SHALL
7 CREATE A PERSONALIZED VERIFICATION INFORMATION FORM, IN CLEAR AND
8 CONCISE LANGUAGE, WITH THE PURPOSE OF PROVIDING INFORMATION TO EVERY
9 TERRORIST REQUIRED TO REGISTER WITH THE NEW YORK STATE TERRORIST REGIS-
10 TRY WITH DETAILED DIRECTIONS AND INFORMATION AS TO WHERE THE REGISTRANT
11 MUST APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, WHICH
12 SHALL SPECIFY THE ADDRESS, TELEPHONE NUMBER AND DESIGNATED CONTACT
13 PERSON OF SUCH LAW ENFORCEMENT AGENCY. SUCH PERSONAL VERIFICATION INFOR-
14 MATION INFORMATION FORM SHALL FURTHER INDICATE THE DATE BY WHICH THE
15 REGISTRANT MUST APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURIS-
16 DICTION TO PROVIDE SUCH UPDATED PHOTOGRAPH.

17 8. STANDARDIZED VERIFICATION FORM. THE DIVISION SHALL CREATE A STAND-
18 ARDIZED VERIFICATION FORM, IN CLEAR AND CONCISE LANGUAGE, WITH THE
19 PURPOSE OF COLLECTING THE QUARTERLY SUPPLEMENTAL AND VERIFICATION INFOR-
20 MATION IDENTIFIED IN SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE,
21 FROM EVERY TERRORIST REQUIRED TO REGISTER WITH THE NEW YORK STATE
22 TERRORIST REGISTRY.

23 9. AVAILABILITY OF INFORMATION AND FORMS. IN ADDITION TO THE OTHER
24 PROVISIONS OF THIS SECTION, THE DIVISION SHALL FURTHER MAKE INFORMATION
25 AND FORMS AVAILABLE AS FOLLOWS:

26 (A) THE DIVISION SHALL MAKE PAPER COPIES OF THE STANDARDIZED REGISTRA-
27 TION INFORMATION FORM, THE STANDARDIZED REGISTRATION FORM, THE STANDARD-
28 IZED VERIFICATION INFORMATION FORM AND THE STANDARDIZED VERIFICATION
29 FORM AVAILABLE TO REGISTRANTS, ATTORNEYS REPRESENTING REGISTRANTS, THE
30 UNIFIED COURT SYSTEM, THE DEPARTMENT, FEDERAL, STATE AND LOCAL LAW
31 ENFORCEMENT, AND SUCH OTHER AND FURTHER INDIVIDUALS AND ENTITIES AS THE
32 DIVISION DEEMS APPROPRIATE;

33 (B) THE DIVISION SHALL FURTHER POST ELECTRONIC COPIES OF THE STANDARD-
34 IZED REGISTRATION INFORMATION FORM, THE STANDARDIZED REGISTRATION FORM,
35 THE STANDARDIZED VERIFICATION INFORMATION FORM AND THE STANDARDIZED
36 VERIFICATION FORM, PRODUCED IN ACCORDANCE WITH THIS SECTION, ON THE
37 OFFICIAL WEBSITE OF THE DIVISION, AND SUCH ELECTRONIC FORMS SHALL ALL BE
38 IN A DOWNLOADABLE FORMAT, TO ALLOW FOR THE SUBMISSION OF A COMPLETED
39 COPY OF SUCH FORM OR FORMS TO THE DIVISION, REGARDLESS OF WHETHER ANY
40 SUCH FORM OR FORMS HAVE BEEN PROVIDED TO, OR RECEIVED BY, THE REGIS-
41 TRANT, OR REGARDLESS OF WHETHER SUCH REGISTRANT HAS IN FACT RECEIVED
42 NOTICE OF HIS OR HER DUTY AND OBLIGATION TO REGISTER AS REQUIRED BY THIS
43 ARTICLE; AND

44 (C) THE DIVISION SHALL ALSO MAINTAIN A TOLL FREE TELEPHONE NUMBER,
45 WHICH SHALL BE DISPLAYED ON THE OFFICIAL WEBSITE OF THE DIVISION, TO
46 PROVIDE, UPON REQUEST OF ANY PERSON REQUIRED TO REGISTER WITH THE NEW
47 YORK STATE TERRORIST REGISTRY, OR THEIR REPRESENTATIVE, ALL INFORMATION
48 THAT IS NECESSARY FOR A REGISTRANT TO COMPLETE THEIR REGISTRATION WITH
49 THE NEW YORK STATE TERRORIST REGISTRY, OR FOR A REGISTRANT TO COMPLETE
50 THEIR VERIFICATION, INCLUDING INFORMATION THAT WOULD BE PROVIDED IN A
51 PERSONALIZED REGISTRATION INFORMATION FORM OR A PERSONALIZED VERIFICA-
52 TION INFORMATION FORM.

53 10. ADVERTISEMENT. THE DIVISION SHALL ADVERTISE ON ITS OFFICIAL
54 WEBSITE THAT ALL TERRORISTS ADDED TO THE NEW YORK STATE TERRORIST REGIS-
55 TRY SHALL BE REQUIRED TO REGISTER AND PROVIDE VERIFICATION UNDER PENALTY
56 OF LAW, AND THAT THE INFORMATION AND FORMS NECESSARY TO COMPLETE SUCH

1 REGISTRATION AND PROVIDE SUCH VERIFICATION ARE AVAILABLE FOR DOWNLOAD ON
2 THE DIVISION'S WEBSITE AND THAT FURTHER INFORMATION CAN BE OBTAINED FROM
3 THE TOLL FREE TELEPHONE NUMBER ESTABLISHED IN ACCORDANCE WITH PARAGRAPH
4 (C) OF SUBDIVISION NINE OF THIS SECTION.

5 11. PURPOSE OF THE REGISTRATION PACKET. THE PURPOSE OF THE NON-FOR-
6 WARDABLE REGISTRATION PACKET CREATED IN ACCORDANCE WITH SUBDIVISION ONE
7 OF THIS SECTION, SHALL BE TO INFORM EVERY TERRORIST ADDED TO THE NEW
8 YORK STATE TERRORIST REGISTRY OF SUCH TERRORIST'S DUTY AND OBLIGATION TO
9 REGISTER AS REQUIRED BY THIS ARTICLE, AND TO COLLECT THE NECESSARY
10 INFORMATION FROM SUCH TERRORIST AS REQUIRED BY THIS ARTICLE.

11 12. MAILING OF REGISTRATION PACKET. THE NON-FORWARDABLE REGISTRATION
12 PACKET, AS DEFINED IN SUBDIVISION ONE OF THIS SECTION, SHALL BE MAILED
13 BY THE DIVISION, BY FIRST CLASS MAIL, TO THE LAST KNOWN ADDRESS OF SUCH
14 TERRORIST, IN ACCORDANCE WITH THE TIMELINES ESTABLISHED BY SUBDIVISION
15 FIFTEEN OF THIS SECTION.

16 13. PURPOSE OF THE VERIFICATION PACKET. THE PURPOSE OF THE NON-FOR-
17 WARDABLE VERIFICATION PACKET, CREATED IN ACCORDANCE WITH SUBDIVISION
18 FIVE OF THIS SECTION, SHALL BE TO INFORM EVERY REGISTRANT ADDED TO THE
19 NEW YORK STATE TERRORIST REGISTRY OF SUCH REGISTRANT'S DUTY AND OBLI-
20 GATION TO PROVIDE VERIFICATION AS REQUIRED BY THIS ARTICLE, AND TO
21 COLLECT THE NECESSARY VERIFICATION INFORMATION FROM SUCH REGISTRANT AS
22 REQUIRED BY THIS ARTICLE.

23 14. MAILING OF VERIFICATION PACKET. THE NON-FORWARDABLE VERIFICATION
24 PACKET, AS DEFINED IN SUBDIVISION FIVE OF THIS SECTION, SHALL BE MAILED
25 BY THE DIVISION, BY FIRST CLASS MAIL, TO THE LAST KNOWN ADDRESS OF SUCH
26 REGISTRANT, IN ACCORDANCE WITH THE TIMELINES ESTABLISHED BY SUBDIVISION
27 FIFTEEN OF THIS SECTION.

28 15. TIMELINES. WITH RESPECT TO THE REQUIREMENTS OF THIS ARTICLE, THE
29 FOLLOWING TIMELINES SHALL APPLY:

30 (A) THE MAILING REQUIRED IN ACCORDANCE WITH THE PROVISIONS OF SUBDIVI-
31 SION TWELVE OF THIS SECTION SHALL BE COMPLETED BY THE DIVISION WITHIN
32 TEN CALENDAR DAYS OF THE DATE ON WHICH THE DIVISION ADDS THE TERRORIST
33 TO WHOM THE MAILING IS DIRECTED TO THE NEW YORK STATE TERRORIST REGIS-
34 TRY;

35 (B) THE MAILING REQUIRED IN ACCORDANCE WITH SUBDIVISION FOURTEEN OF
36 THIS SECTION SHALL BE COMPLETED BY THE DIVISION WITHIN SEVENTY-FIVE
37 CALENDAR DAYS OF THE DATE ON WHICH THE REGISTRANT TO WHOM THE MAILING IS
38 DIRECTED PROVIDES THE DIVISION WITH ALL THE INFORMATION REQUIRED IN THE
39 STANDARDIZED REGISTRATION FORM, AND THEN AGAIN, EVERY NINETY DAYS THERE-
40 AFTER;

41 (C) THE REGISTRANT, WITHIN TEN CALENDAR DAYS OF THE RECEIPT OF THE
42 REGISTRATION PACKET FROM THE DIVISION, OR WITHIN THIRTY CALENDAR DAYS OF
43 THE MAILING OF REGISTRATION PACKET BY THE DIVISION, OR WITHIN FIVE
44 CALENDAR DAYS OF DOWNLOADING THE STANDARDIZED REGISTRATION FORM FROM THE
45 DIVISION'S WEBSITE, OR WITHIN FIVE DAYS OF BEING PERSONALLY NOTIFIED BY
46 THE DIVISION OR ITS REPRESENTATIVE, WHICHEVER IS EARLIER, SHALL RETURN A
47 FULLY EXECUTED, SIGNED AND COMPLETED COPY OF THE STANDARDIZED REGISTRA-
48 TION FORM TO THE DIVISION, EITHER BY MEANS OF UNITED STATES FIRST CLASS
49 MAIL, OR BY MEANS OF PERSONAL DELIVERY TO THE LAW ENFORCEMENT AGENCY
50 HAVING JURISDICTION;

51 (D) THE REGISTRANT, WITHIN TEN CALENDAR DAYS OF THE RECEIPT OF THE
52 VERIFICATION PACKET FROM THE DIVISION, OR WITHIN FIFTEEN CALENDAR DAYS
53 OF THE MAILING OF VERIFICATION PACKET BY THE DIVISION, OR WITHIN FIVE
54 CALENDAR DAYS OF DOWNLOADING THE STANDARDIZED VERIFICATION FORM FROM THE
55 DIVISION'S WEBSITE, OR WITHIN FIVE CALENDAR DAYS OF BEING PERSONALLY
56 NOTIFIED BY THE DIVISION OR ITS REPRESENTATIVE, WHICHEVER IS EARLIER,

1 SHALL RETURN A FULLY EXECUTED, SIGNED AND COMPLETED COPY OF THE STAND-
2 ARDIZED VERIFICATION FORM TO THE DIVISION, EITHER BY MEANS OF UNITED
3 STATES FIRST CLASS MAIL, OR BY MEANS OF PERSONAL DELIVERY TO THE LAW
4 ENFORCEMENT AGENCY HAVING JURISDICTION;

5 (E) THE REGISTRANT, WITHIN FIFTEEN CALENDAR DAYS OF THE RECEIPT OF THE
6 REGISTRATION PACKET FROM THE DIVISION, OR WITHIN THIRTY-FIVE CALENDAR
7 DAYS OF THE MAILING OF REGISTRATION PACKET BY THE DIVISION, OR WITHIN
8 TEN CALENDAR DAYS OF DOWNLOADING THE STANDARDIZED REGISTRATION FORM FROM
9 THE DIVISION'S WEBSITE, OR WITHIN FIVE CALENDAR DAYS OF BEING PERSONALLY
10 NOTIFIED BY THE DIVISION OR ITS REPRESENTATIVE, WHICHEVER IS EARLIER,
11 SHALL APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, TO
12 PROVIDE FINGERPRINTS, AN INITIAL PHOTOGRAPH AND A DNA SAMPLE, UNLESS
13 SUCH REGISTRANT HAS PREVIOUSLY HAD THEIR INITIAL PHOTOGRAPH PREVIOUSLY
14 TAKEN, AND THEIR FINGERPRINTS AND DNA SAMPLE PREVIOUSLY COLLECTED, IN
15 ACCORDANCE WITH SUBDIVISIONS THREE AND FIVE OF SECTION ONE HUNDRED
16 SIXTY-NINE-J OF THIS ARTICLE, OR IN ACCORDANCE WITH SUBDIVISIONS THREE
17 AND FIVE OF SECTION ONE HUNDRED SIXTY-NINE-K OF THIS ARTICLE; AND

18 (F) THE REGISTRANT SHALL ANNUALLY APPEAR BEFORE THE LAW ENFORCEMENT
19 AGENCY HAVING JURISDICTION, NOT LATER THAN ONE YEAR AFTER, AND NOT PRIOR
20 TO THREE HUNDRED THIRTY DAYS BEFORE, THE ANNIVERSARY DATE OF THE TAKING
21 OR HIS OR HER INITIAL PHOTOGRAPH IN ORDER TO PROVIDE THE DIVISION WITHIN
22 AN UPDATED PHOTOGRAPH.

23 16. DUTY AND OBLIGATION TO REGISTER AND PROVIDE VERIFICATION ABSOLUTE.
24 IN NO EVENT SHALL THE FAILURE OF A TERRORIST TO RECEIVE ANY NOTICE,
25 REGISTRATION PACKET OR VERIFICATION PACKET, OR OF THE DIVISION TO FAIL
26 TO PROVIDE SUCH NOTICE, REGISTRATION PACKET OR VERIFICATION PACKET, OR
27 OF THE FAILURE OF THE DIVISION TO PROVIDE SUCH NOTICE, REGISTRATION
28 PACKET OR VERIFICATION PACKET WITHIN THE TIME REQUIRED PURSUANT TO THIS
29 SECTION, RELIEVE ANY SUCH TERRORIST FROM ANY DUTY OR OBLIGATION REQUIRED
30 BY THIS ARTICLE.

31 17. VIOLATIONS. IN THE EVENT THAT A COMPLETED STANDARDIZED REGISTRA-
32 TION FORM OR A COMPLETED STANDARDIZED VERIFICATION FORM IS NOT RETURNED
33 TO THE DIVISION BY A REGISTRANT WITHIN THE TIMELINES REQUIRED PURSUANT
34 TO SUBDIVISION FIFTEEN OF THIS SECTION, THE DIVISION SHALL IMMEDIATELY
35 NOTIFY THE DIVISION OF STATE POLICE, THE STATE DIVISION OF HOMELAND
36 SECURITY AND EMERGENCY SERVICES, AND THE UNITED STATES DEPARTMENT OF
37 HOMELAND SECURITY, WHEREUPON THE DIVISION OF STATE POLICE SHALL IMME-
38 DIATELY CAUSE SUCH TERRORIST TO BE ARRESTED AND CHARGED WITH A FAILURE
39 TO REGISTER IN ACCORDANCE WITH THIS ARTICLE, AND PURSUANT TO SECTION
40 490.23 OF THE PENAL LAW.

41 18. LATE FILINGS. THE DIVISION MAY BY REGULATION IDENTIFY CERTAIN
42 CIRCUMSTANCES WHEN THE COMMISSIONER MAY AUTHORIZE THE LATE SUBMISSION OF
43 A STANDARDIZED REGISTRATION FORM, A STANDARDIZED VERIFICATION FORM, OR
44 THE LATE COLLECTION OF FINGERPRINTS, DNA SAMPLE, INITIAL PHOTOGRAPH OR
45 UPDATED PHOTOGRAPH, BUT IN NO EVENT SHALL A LATE SUBMISSION OR LATE
46 COLLECTION BE AUTHORIZED MORE THAN NINETY DAYS AFTER THE REGISTRANT, IF
47 OF LEGAL CAPACITY, RECEIVED ACTUAL NOTICE, OF THEIR DUTY AND OBLIGATION
48 TO SUBMIT OR HAVE COLLECTED SUCH STANDARDIZED REGISTRATION FORM, STAND-
49 ARDIZED VERIFICATION FORM, FINGERPRINTS, DNA SAMPLE, INITIAL PHOTOGRAPH
50 OR UPDATED PHOTOGRAPH.

51 19. REGULATIONS. THE DIVISION SHALL PROMULGATE RULES AND REGULATIONS
52 TO IMPLEMENT THE PROVISIONS OF THIS SECTION.

53 S 169-F. EXAMINATION OF POTENTIAL REGISTRANTS. 1. GENERALLY. THE
54 DIVISION SHALL MAKE REGULAR EXAMINATIONS TO DETERMINE WHETHER TERRORISTS
55 SHALL BE ADDED TO THE REGISTRY, AND UPON ANY SUCH EXAMINATION AND DETER-
56 MINATION THAT A TERRORIST SHALL BE ADDED TO THE REGISTRY, IN ACCORDANCE

1 WITH THE PROVISIONS OF THIS SECTION, THE DIVISION SHALL ADD SUCH TERROR-
2 IST TO THE REGISTRY, AND SHALL NOTIFY SUCH TERRORIST PURSUANT TO SECTION
3 ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

4 2. RELEASE NOTIFICATION. IN THE CASE OF ANY TERRORIST, IT SHALL BE THE
5 DUTY OF THE CONFINEMENT ENTITY IN WHOSE CUSTODY SUCH TERRORIST IS HELD,
6 AT LEAST SIXTY CALENDAR DAYS PRIOR TO THE RELEASE OF SUCH TERRORIST FROM
7 SUCH CUSTODY, TO NOTIFY THE DIVISION, IN A FORM AND MANNER PROVIDED BY
8 THE DIVISION, OF THE CONTEMPLATED RELEASE OR DISCHARGE OF SUCH TERROR-
9 IST. THE NOTIFICATION PROVIDED SHALL INCLUDE THE ADDRESS AT WHICH SUCH
10 TERRORIST PROPOSES TO RESIDE. IF SUCH TERRORIST CHANGES HIS OR HER PLACE
11 OF RESIDENCE WHILE ON PAROLE, SUCH NOTIFICATION OF THE CHANGE OF RESI-
12 DENCE SHALL BE SENT BY THE TERRORIST'S PAROLE OFFICER WITHIN FORTY-EIGHT
13 HOURS TO THE DIVISION, ON A FORM AND IN A MANNER PROVIDED BY THE DIVI-
14 SION. IN THE EVENT THAT THE CONFINEMENT ENTITY IS UNABLE TO NOTIFY THE
15 DIVISION OF THE CONTEMPLATED RELEASE OR DISCHARGE OF SUCH TERRORIST AT
16 LEAST SIXTY DAYS PRIOR TO SUCH RELEASE, THE CONFINEMENT ENTITY MUST
17 PROVIDE AN EMERGENCY NOTIFICATION TO THE DIVISION, IN A FORM AND MANNER
18 PROVIDED BY THE DIVISION.

19 3. PROBATION NOTIFICATION. IN THE CASE OF ANY TERRORIST ON PROBATION,
20 IT SHALL BE THE DUTY OF THE TERRORIST'S PROBATION OFFICER TO NOTIFY THE
21 DIVISION, WITHIN FORTY-EIGHT HOURS, OF ANY INITIAL OR CHANGED PLACE OF
22 RESIDENCE OF SUCH TERRORIST, IN THE FORM AND MANNER PROVIDED BY THE
23 DIVISION.

24 4. ESCAPE NOTIFICATION. IN THE EVENT THAT ANY TERRORIST ESCAPES FROM
25 THE CUSTODY OF ANY CONFINEMENT ENTITY, THE DESIGNATED OFFICIAL OF THE
26 CONFINEMENT ENTITY, SHALL IMMEDIATELY NOTIFY, BY TELEPHONE AND/OR EMAIL,
27 THE DIVISION OF SUCH ESCAPE. WITHIN TWENTY-FOUR HOURS, THE CONFINEMENT
28 ENTITY SHALL FURTHER PROVIDE THE DIVISION AND THE LAW ENFORCEMENT AGENCY
29 HAVING JURISDICTION AT, AND IMMEDIATELY PRIOR TO, THE TIME OF THE
30 TERRORIST'S CONFINEMENT, WITH:

31 (A) THE NAME AND ALIASES OF THE TERRORIST;

32 (B) THE ADDRESS AT WHICH THE TERRORIST RESIDED AT THE TIME OF HIS OR
33 HER CONFINEMENT;

34 (C) THE AMOUNT OF TIME REMAINING ON THE TERRORIST'S CONFINEMENT TO BE
35 SERVED, IF ANY;

36 (D) THE NATURE OF THE OFFENSE FOR WHICH THE TERRORIST WAS CONFINED;

37 (E) A RECENT PHOTOGRAPH OF THE TERRORIST; AND

38 (F) THE FINGERPRINTS OF THE TERRORIST.

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

44 6. COMMUNICATION WITH OTHER ENTITIES. (A) IN CONDUCTING ITS EXAMINA-
45 TIONS, PURSUANT TO THIS SECTION, TO DETERMINE WHAT TERRORISTS ARE OR
46 WILL BE RESIDING, WORKING, OR ATTENDING EDUCATIONAL INSTITUTIONS IN NEW
47 YORK STATE, THE DIVISION SHALL COMMUNICATE WITH THE FOLLOWING STATE
48 ENTITIES:

49 (I) THE DEPARTMENT;

50 (II) THE DIVISION OF PAROLE;

51 (III) THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES;

52 (IV) THE DEPARTMENT OF HEALTH;

53 (V) THE DEPARTMENT OF EDUCATION;

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

56 (VII) THE DIVISION OF STATE POLICE;

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

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

4 (B) IN FURTHER CONDUCTING ITS EXAMINATIONS, PURSUANT TO THIS SECTION,
5 TO DETERMINE WHAT TERRORISTS ARE OR WILL BE RESIDING, WORKING, OR
6 ATTENDING EDUCATIONAL INSTITUTIONS, IN NEW YORK STATE, THE DIVISION
7 SHALL ALSO COMMUNICATE WITH THE FOLLOWING FEDERAL, INTERSTATE OR INTER-
8 NATIONAL ENTITIES:

9 (I) THE FEDERAL BUREAU OF PRISONS;

10 (II) THE UNITED STATE DEPARTMENT OF DEFENSE, AND ITS ARMED SERVICES
11 BRANCHES;

12 (III) THE UNITED STATE DEPARTMENT OF STATE;

13 (IV) THE UNITED STATES DEPARTMENT OF JUSTICE;

14 (V) THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY;

15 (VI) THE CENTRAL INTELLIGENCE AGENCY;

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

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

18 (IX) ANY OTHER FEDERAL, INTERSTATE, OR INTERNATIONAL ENTITY THE DIVI-
19 SION DEEMS APPROPRIATE.

20 7. GROUNDS TO ADD A TERRORIST TO THE REGISTRY. UPON EXAMINATION IN
21 ACCORDANCE WITH THIS SECTION, THE DIVISION SHALL ADD A TERRORIST, AS
22 DEFINED BY SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS
23 ARTICLE, TO THE NEW YORK STATE TERRORIST REGISTRY, AND PROVIDE SUCH
24 TERRORIST WITH NOTIFICATION THAT THEY HAVE BEEN SO ADDED TO THE REGISTRY
25 IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE, IF
26 THE DIVISION DETERMINES THAT SUCH TERRORIST IS:

27 (A) NOT PRESENTLY SUBJECT TO CONFINEMENT BUT IS CURRENTLY, HAS BEEN,
28 OR WILL BE WITHIN THE NEXT NINETY DAYS, LIVING, WORKING OR ATTENDING AN
29 EDUCATIONAL INSTITUTION WITHIN NEW YORK STATE, OR

30 (B) IS PRESENTLY IN THE CUSTODY OF A CONFINEMENT ENTITY, OR IS SUBJECT
31 TO COMMUNITY SUPERVISION OR PROBATION, AND IS SCHEDULED FOR A CONDI-
32 TIONAL RELEASE OR ANY OTHER DISCHARGE IN NEW YORK STATE, OR

33 (C) IS PRESENTLY IN THE CUSTODY OF A CONFINEMENT ENTITY, OR IS SUBJECT
34 TO COMMUNITY SUPERVISION OR PROBATION, AND IS SCHEDULED FOR A CONDI-
35 TIONAL RELEASE OR ANY OTHER DISCHARGE OUTSIDE OF NEW YORK STATE AND SUCH
36 TERRORIST HAS EVIDENCED ANY INTENTION TO RESIDE, WORK OR ATTEND AN
37 EDUCATIONAL INSTITUTION IN NEW YORK STATE.

38 8. COURT APPLICATION TO ADD A PERSON TO THE REGISTRY. UPON EXAMINATION
39 IN ACCORDANCE WITH THIS SECTION, AND UPON A FINDING THAT THE PERSON
40 EXAMINED MAY NOT HAVE COMMITTED A TERRORIST OFFENSE AS DEFINED IN SUBDI-
41 VISION TWO OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, OR A
42 VERIFIABLE ACT OF TERRORISM, AS DEFINED IN SUBDIVISION THREE OF SECTION
43 ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, BUT IN THE JOINT DETERMINATION
44 OF THE DIVISION AND THE DIVISION OF HOMELAND SECURITY AND EMERGENCY
45 SERVICES, THAT SUCH PERSON NONETHELESS STILL PRESENTS A SERIOUS AND
46 IMMEDIATE RISK OF PERFORMING, PROMOTING, SUPPORTING AND/OR FACILITATING
47 A TERRORIST ACT AGAINST THE PEOPLE AND/OR PROPERTY OF THE STATE OF NEW
48 YORK, THEN THE DIVISION MAY MAKE AN APPLICATION TO A SUPREME COURT, IN
49 ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-I OF THIS ARTICLE, TO ADD
50 SUCH PERSON TO THE NEW YORK STATE TERRORIST REGISTRY, AND IF SUCH COURT
51 ISSUES THE CERTIFICATION, THEN THE DIVISION SHALL ADD SUCH PERSON TO THE
52 REGISTRY, AND PROVIDE SUCH PERSON WITH NOTIFICATION IN ACCORDANCE WITH
53 SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

54 9. ADDITION TO THE REGISTRY BY COURT ORDER. WHERE A COURT OF THE
55 UNIFIED COURT SYSTEM IN NEW YORK, ISSUES A CERTIFICATION TO ADD A PERSON
56 TO THE NEW YORK STATE TERRORIST REGISTRY, IN ACCORDANCE WITH SECTION ONE

1 HUNDRED SIXTY-NINE-I OF THIS ARTICLE, THEN THE DIVISION SHALL ADD SUCH
2 PERSON TO THE REGISTRY, AND PROVIDE SUCH PERSON WITH NOTIFICATION IN
3 ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

4 10. REMOVAL FROM THE REGISTRY BY COURT ORDER. WHERE THE SUPREME COURT
5 IN THE COUNTY WHERE A REGISTRANT RESIDES, OR THE SUPREME COURT OF ALBANY
6 COUNTY WHERE A PERSON DOES NOT RESIDE IN NEW YORK STATE, ISSUES A DECI-
7 SION AND/OR ORDER TO REMOVE A PERSON FROM THE NEW YORK STATE TERRORIST
8 REGISTRY, IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-I OF THIS
9 ARTICLE, THEN THE DIVISION SHALL REMOVE SUCH PERSON FROM THE REGISTRY,
10 AND PROVIDE SUCH PERSON WITH NOTIFICATION OF THEIR REMOVAL FROM THE
11 REGISTRY, BUT THE DIVISION MAY APPEAL SUCH DECISION AND/OR ORDER, AND
12 SUCH REMOVAL SHALL NOT BE PERFORMED BY THE DIVISION UNTIL THE FINAL
13 APPEAL IS DECIDED IN FAVOR OF THE PERSON SEEKING REMOVAL FROM THE REGIS-
14 TRY.

15 S 169-G. INITIAL ASSEMBLY OF THE REGISTRY. THE DIVISION, WITHIN SIXTY
16 DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE, SHALL COMMENCE EXAMINATIONS
17 AND MAKE DETERMINATIONS, IN ACCORDANCE WITH SECTION ONE HUNDRED
18 SIXTY-NINE-F OF THIS ARTICLE, TO DETERMINE WHAT TERRORISTS SHALL BE
19 INITIALLY ADDED TO THE REGISTRY, AND UPON SUCH EXAMINATIONS AND DETERMI-
20 NATIONS, SHALL ADD SUCH TERRORISTS TO THE REGISTRY, AND SHALL THEREAFTER
21 NOTIFY SUCH TERRORISTS THAT THEY HAVE BEEN ADDED TO THE REGISTRY PURSU-
22 ANT TO SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

23 S 169-H. REGISTRATION AND VERIFICATION OF TERRORISTS. 1. DUTY AND
24 OBLIGATION TO REGISTER AND VERIFY. ANY PERSON ADDED TO THE NEW YORK
25 STATE TERRORIST REGISTRY BY THE DIVISION, IN ACCORDANCE WITH SECTION ONE
26 HUNDRED SIXTY-NINE-F OF THIS ARTICLE, SHALL BE REQUIRED, AND HAVE THE
27 DUTY AND OBLIGATION TO REGISTER AND VERIFY, AND SHALL FURTHER BE
28 REQUIRED AND HAVE THE DUTY AND OBLIGATION TO PROVIDE THE REQUIRED REGIS-
29 TRATION AND QUARTERLY VERIFICATION INFORMATION, IN ACCORDANCE WITH THIS
30 ARTICLE.

31 2. SPECIFIC DUTIES AND OBLIGATIONS. ANY TERRORIST ADDED TO THE NEW
32 YORK STATE TERRORIST REGISTRY BY THE DIVISION SHALL BE REQUIRED, AND
33 SHALL HAVE THE DUTY AND OBLIGATION TO:

34 (A) REGISTER UNDER THIS ARTICLE;

35 (B) PROVIDE THE DIVISION WITH A COMPLETED, SIGNED, STANDARDIZED REGIS-
36 TRATION FORM, CONTAINING ALL THE REQUIRED REGISTRATION INFORMATION IN
37 ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE, WITHIN
38 THE TIMES, AND PURSUANT TO THE MEANS OF DELIVERY, REQUIRED BY THIS ARTI-
39 CLE;

40 (C) UNLESS SUCH TERRORIST HAS PREVIOUSLY HAD THEIR INITIAL PHOTOGRAPH
41 PREVIOUSLY TAKEN, IN ACCORDANCE WITH SUBDIVISIONS THREE AND FIVE OF
42 SECTION ONE HUNDRED SIXTY-NINE-J OF THIS ARTICLE, OR IN ACCORDANCE WITH
43 SUBDIVISIONS THREE AND FIVE OF SECTION ONE HUNDRED SIXTY-NINE-K OF THIS
44 ARTICLE, APPEAR TO, AND BE PHOTOGRAPHED BY, THE SPECIFIED LAW ENFORCE-
45 MENT AGENCY HAVING JURISDICTION, WITHIN THE TIMES, AND AT THE LOCATIONS,
46 REQUIRED PURSUANT TO THIS ARTICLE;

47 (D) UNLESS SUCH TERRORIST HAS PREVIOUSLY HAD THEIR FINGERPRINTS
48 COLLECTED, IN ACCORDANCE WITH SUBDIVISIONS THREE AND FIVE OF SECTION ONE
49 HUNDRED SIXTY-NINE-J OF THIS ARTICLE, OR IN ACCORDANCE WITH SUBDIVISIONS
50 THREE AND FIVE OF SECTION ONE HUNDRED SIXTY-NINE-K OF THIS ARTICLE,
51 APPEAR TO, AND BE FINGERPRINTED BY, THE SPECIFIED LAW ENFORCEMENT AGENCY
52 HAVING JURISDICTION, WITHIN THE TIMES, AND AT THE LOCATIONS, REQUIRED
53 PURSUANT TO THIS ARTICLE;

54 (E) UNLESS SUCH TERRORIST HAS PREVIOUSLY HAD THEIR DNA SAMPLE
55 COLLECTED, IN ACCORDANCE WITH SUBDIVISIONS THREE AND FIVE OF SECTION ONE
56 HUNDRED SIXTY-NINE-J OF THIS ARTICLE, OR IN ACCORDANCE WITH SUBDIVISIONS

1 THREE AND FIVE OF SECTION ONE HUNDRED SIXTY-NINE-K OF THIS ARTICLE,
2 APPEAR TO, AND SUBMIT TO A DNA SAMPLE TAKEN BY THE SPECIFIED LAW
3 ENFORCEMENT AGENCY HAVING JURISDICTION, WITHIN THE TIMES, AND AT THE
4 LOCATIONS, REQUIRED PURSUANT TO THIS ARTICLE; AND

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

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

10 (A) VERIFY UNDER THIS ARTICLE;

11 (B) PROVIDE THE DIVISION WITH A COMPLETED, SIGNED, STANDARD VERIFICA-
12 TION FORM, CONTAINING ALL THE REQUIRED VERIFICATION INFORMATION IN
13 ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE, WITHIN
14 THE TIMES, AND PURSUANT TO THE MEANS OF DELIVERY, REQUIRED BY THIS ARTI-
15 CLE;

16 (C) APPEAR TO, AND BE ANNUALLY PHOTOGRAPHED BY, THE SPECIFIED LAW
17 ENFORCEMENT AGENCY HAVING JURISDICTION, WITHIN THE TIMES, AND AT THE
18 LOCATIONS, REQUIRED PURSUANT TO THIS ARTICLE; AND

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

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

26 5. CHANGE OF ADDRESS. ANY TERRORIST ADDED TO THE NEW YORK STATE
27 TERRORIST REGISTRY SHALL, IN ADDITION TO ANY OTHER INFORMATION REQUIRED
28 BY THIS ARTICLE, REGISTER HIS OR HER CURRENT RESIDENTIAL ADDRESS, AND
29 THE ADDRESS OF HIS OR HER PLACE OF EMPLOYMENT OR EDUCATIONAL INSTITUTION
30 ATTENDED, WITH THE DIVISION, AND SHALL NOTIFY THE DIVISION OF ANY CHANGE
31 OF RESIDENCE, EMPLOYMENT OR EDUCATIONAL INSTITUTION ADDRESS IN ACCORD-
32 ANCE WITH THE PROVISIONS OF THIS ARTICLE.

33 S 169-I. DUTIES OF THE COURT. 1. CERTIFICATION OF TERRORIST. (A) UPON
34 CONVICTION OF ANY OF THE OFFENSES SET FORTH IN ARTICLE FOUR HUNDRED
35 NINETY OF THE PENAL LAW, THE COURT SHALL CERTIFY THAT THE PERSON IS A
36 TERRORIST, AND SHALL INCLUDE THE CERTIFICATION IN THE ORDER OF COMMIT-
37 MENT, IF ANY, AND JUDGMENT OF CONVICTION, AND SHALL ADDITIONALLY DIRECT
38 THE DIVISION TO ADD SUCH PERSON, SO CONVICTED, TO THE NEW YORK STATE
39 TERRORIST REGISTRY.

40 (B) IF THE PERSON CERTIFIED AS THE REGISTRANT IS PRESENT IN COURT,
41 THEN THE COURT SHALL ADVISE SUCH PERSON OF HIS OR HER DUTIES AND OBLI-
42 GATIONS UNDER THIS ARTICLE, BUT IN THE EVENT OF HIS OR HER ABSENCE FROM
43 COURT, THE COURT SHALL DIRECT THE DIVISION TO MAIL SUCH TERRORIST A
44 REGISTRATION PACKET IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE
45 HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

46 (C) ANY FAILURE OF THE COURT TO INCLUDE THE CERTIFICATION IN THE ORDER
47 OF COMMITMENT OR THE JUDGMENT OF CONVICTION SHALL NOT RELIEVE A TERROR-
48 IST OF THE DUTIES AND OBLIGATIONS IMPOSED BY THIS ARTICLE, NOR PROHIBIT
49 THE DIVISION FROM ADDING SUCH PERSON TO THE NEW YORK STATE TERRORIST
50 REGISTRY IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

51 (D) ANY PERSON WHO A COURT CERTIFIES AS A REGISTRANT, WHO IS RELEASED
52 ON PROBATION OR DISCHARGED UPON PAYMENT OF A FINE, CONDITIONAL DISCHARGE
53 OR UNCONDITIONAL DISCHARGE, SHALL, PRIOR TO SUCH RELEASE OR DISCHARGE,
54 BE INFORMED OF HIS OR HER DUTY AND OBLIGATION TO REGISTER UNDER THIS
55 ARTICLE BY THE COURT IN WHICH HE OR SHE WAS CONVICTED, AND AT THE TIME
56 SENTENCE IS IMPOSED, SUCH TERRORIST SHALL REGISTER WITH THE DIVISION ON

1 THE STANDARDIZED REGISTRATION FORM PREPARED BY THE DIVISION IN ACCORD-
2 ANCE WITH THIS ARTICLE AS FOLLOWS:

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

6 (II) UPON COMPLETION OF THE STANDARDIZED REGISTRATION FORM, THE COURT
7 SHALL GIVE ONE COPY OF SUCH FORM TO THE TERRORIST, AND SHALL DIRECT THE
8 IMMEDIATE TRANSMISSION OF THE ORIGINAL COMPLETED AND SIGNED STANDARDIZED
9 REGISTRATION FORM TO THE DIVISION, WHICH SHALL, UPON RECEIPT OF SUCH
10 FORM, ADD SUCH PERSON TO THE REGISTRY AND FORWARD THE INFORMATION
11 COLLECTED TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION, IN
12 ACCORDANCE WITH THIS ARTICLE;

13 (III) THE COURT SHALL FURTHER NOTIFY THE TERRORIST THAT WITHIN FIVE
14 CALENDAR DAYS, SUCH TERRORIST SHALL APPEAR BEFORE THE LAW ENFORCEMENT
15 AGENCY HAVING JURISDICTION, OR THE OFFICE OF PROBATION AND CORRECTIONAL
16 ALTERNATIVES, TO PROVIDE FINGERPRINTS, AN INITIAL PHOTOGRAPH AND A DNA
17 SAMPLE; AND

18 (IV) FROM THE COMPLETED STANDARDIZED REGISTRATION FORM, THE COURT
19 SHALL PLACE UPON THE RECORD THE FACT THAT THE TERRORIST SHALL BE ADDED
20 TO THE NEW YORK STATE TERRORIST REGISTRY, AND THE ADDRESS WHERE THE
21 TERRORIST WILL BE DEEMED TO RESIDE UPON HIS OR HER RELEASE.

22 (E) ANY PERSON WHO A COURT CERTIFIES AS A REGISTRANT, WHO IS NOT PRES-
23 ENT IN THE COURT AT THE TIME OF THE ISSUANCE OF ORDER PROVIDING FOR SUCH
24 CERTIFICATION, SHALL BE ADDED BY THE DIVISION TO THE NEW YORK STATE
25 TERRORIST REGISTRY, AND SHALL REGISTER WITH THE DIVISION, AND PROVIDE
26 ALL REQUIRED INFORMATION, TOGETHER WITH THE DNA SAMPLE, FINGERPRINTS AND
27 INITIAL PHOTOGRAPH, IN ACCORDANCE WITH THE PROVISIONS AND TIMELINES OF
28 SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

29 2. APPLICATION TO ADD A PERSON TO THE REGISTRY. (A) COURT ORDER. IN
30 ACCORDANCE WITH SUBDIVISION EIGHT OF SECTION ONE HUNDRED SIXTY-NINE-F OF
31 THIS ARTICLE, THE DIVISION, AFTER EXAMINATION, MAY PETITION THE SUPREME
32 COURT, ON NOTICE TO THE PERSON WHO IS THE SUBJECT OF THE INVESTIGATION
33 BY MAILING A COPY OF THE PETITION TO THE LAST KNOWN ADDRESS OF SUCH
34 PERSON, FOR A CERTIFICATION THAT SUCH PERSON THAT IS THE SUBJECT OF SUCH
35 EXAMINATION IN THE JOINT DETERMINATION OF THE DIVISION AND THE DIVISION
36 OF HOMELAND SECURITY AND EMERGENCY SERVICES, PRESENTS A SERIOUS AND
37 IMMEDIATE RISK OF PERFORMING, PROMOTING, SUPPORTING AND/OR FACILITATING
38 A TERRORIST ACT AGAINST THE PEOPLE AND/OR PROPERTY OF THE STATE OF NEW
39 YORK, AND THAT A CERTIFICATION SHOULD BE ISSUED TO ADD SUCH PERSON TO
40 THE NEW YORK STATE TERRORIST REGISTRY. IF THE COURT ISSUES THE CERTIF-
41 ICATION REQUESTED UNDER THIS SUBDIVISION, THEN THE DIVISION SHALL ADD
42 SUCH PERSON TO THE NEW YORK STATE TERRORIST REGISTRY, AND PROVIDE SUCH
43 PERSON WITH NOTIFICATION IN ACCORDANCE WITH SECTION ONE HUNDRED
44 SIXTY-NINE-E OF THIS ARTICLE.

45 (B) APPEALS. THE DIVISION MAY APPEAL ANY DECISION AND/OR ORDER WHERE
46 THE COURT DENIES A CERTIFICATION SOUGHT UNDER THIS SUBDIVISION AND FAILS
47 TO DIRECT THE DIVISION TO ADD THE PERSON WHO IS THE SUBJECT OF THE
48 APPLICATION TO THE NEW YORK STATE TERRORIST REGISTRY. AN APPEAL OF SUCH
49 DENIAL SHALL GO, AS OF RIGHT, TO THE COURT OF APPEALS, WHICH SHALL HEAR
50 SUCH APPEAL WITHIN NINETY DAYS OF THE ISSUANCE OF THE DECISION OR THE
51 ENTRY OF THE ORDER DENYING THE CERTIFICATION SOUGHT BY THE DIVISION IN
52 ACCORDANCE WITH THIS SUBDIVISION, WHICHEVER IS EARLIER. ANY PERSON WHOM
53 THE COURT DIRECTS SHALL HAVE THEIR NAME ADDED TO THE REGISTRY MAY ALSO
54 APPEAL SUCH DECISION AND/OR ORDER. AN APPEAL OF SUCH DECISION AND/OR
55 ORDER ADDING SUCH PERSON TO THE REGISTRY BY THE PERSON WHOSE NAME WOULD
56 BE SO ADDED SHALL GO, AS OF RIGHT, TO THE APPELLATE DIVISION IN THE

1 DEPARTMENT IN WHICH SUCH PERSON SO RESIDES, OR IF SUCH PERSON DOES NOT
2 RESIDE IN NEW YORK STATE, TO THE APPELLATE DIVISION OF THE THIRD DEPART-
3 MENT, WHICH SUCH APPELLATE DIVISION SHALL HEAR SUCH APPEAL WITHIN NINETY
4 DAYS OF THE ISSUANCE OF THE DECISION OR THE ENTRY OF THE ORDER ISSUING
5 THE CERTIFICATION SOUGHT IN ACCORDANCE WITH THIS SECTION, WHICHEVER IS
6 EARLIER.

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

13 (A) GROUNDS FOR ORDER OF REMOVAL. THAT IN ORDER TO ISSUE AN ORDER TO
14 REMOVE THE REGISTRANT AND THEIR INFORMATION FROM THE NEW YORK STATE
15 TERRORIST REGISTRY, THE COURT MUST FIND CONSIDERABLE GROUNDS THAT:

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

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

21 (III) THE DIVISION, IN ADDING SUCH PERSON'S NAME TO THE REGISTRY ACTED
22 IN AN ARBITRARY AND CAPRICIOUS MANNER, FAILED TO COMPLY WITH THE
23 PROVISIONS OF THIS ARTICLE AND/OR THE PAST ACTIONS AND CURRENT BEHAVIOR
24 OF THE REGISTRANT DOES NOT MERIT HIS OR HER REGISTRATION FOR ANY REASON;
25 AND

26 (IV) THE COURT IS OF THE OPINION THAT SUCH REGISTRATION WOULD BE UNDU-
27 LY HARSH AND INAPPROPRIATE.

28 (B) REMOVAL OF PERSON FROM THE REGISTRY. THAT WHERE THE SUPREME COURT
29 FINDS THE CONSIDERABLE GROUNDS REQUIRED IN PARAGRAPH (A) OF THIS SUBDI-
30 VISION, AND ISSUES AN ORDER TO REMOVE A PERSON FROM THE NEW YORK STATE
31 TERRORIST REGISTRY, THE DIVISION SHALL, IN ACCORDANCE WITH THIS PARA-
32 GRAPH AND PARAGRAPH (C) OF THIS SUBDIVISION, REMOVE SUCH PERSON FROM THE
33 REGISTRY, AND PROVIDE SUCH PERSON WITH NOTIFICATION OF THEIR REMOVAL
34 FROM THE REGISTRY.

35 (C) APPEALS. THE DIVISION MAY APPEAL ANY DECISION AND/OR ORDER WHERE
36 THE COURT DIRECTS THE DIVISION TO REMOVE A PERSON FROM THE NEW YORK
37 STATE TERRORIST REGISTRY. AN APPEAL OF SUCH DECISION AND/OR ORDER SHALL
38 GO, AS OF RIGHT, TO THE COURT OF APPEALS WHICH SHALL HEAR SUCH APPEAL
39 WITHIN NINETY DAYS OF THE ISSUANCE OF THE DECISION OR THE ENTRY OF THE
40 ORDER DIRECTING THE DIVISION TO REMOVE SUCH PERSON FROM THE REGISTRY,
41 WHICHEVER IS EARLIER. WHERE THE DIVISION APPEALS AN ORDER TO REMOVE A
42 PERSON FROM THE NEW YORK STATE TERRORIST REGISTRY, SUCH REMOVAL SHALL
43 NOT BE PERFORMED BY THE DIVISION UNTIL THE FINAL APPEAL IS DECIDED IN
44 FAVOR OF THE PERSON SEEKING SUCH REMOVAL. ANY PERSON TO WHOM THE COURT
45 DENIES A PETITION TO HAVE THEIR NAME REMOVED FROM THE NEW YORK STATE
46 TERRORIST REGISTRY MAY ALSO APPEAL SUCH DECISION AND/OR ORDER. AN APPEAL
47 OF SUCH DECISION AND/OR ORDER DENYING THE PETITION TO REMOVE SUCH PERSON
48 FROM THE REGISTRY BY THE PERSON SEEKING TO HAVE THEIR NAME REMOVED SHALL
49 GO, AS OF RIGHT, TO THE APPELLATE DIVISION IN THE DEPARTMENT IN WHICH
50 SUCH PERSON SO RESIDES, OR IF SUCH PERSON DOES NOT RESIDE IN NEW YORK
51 STATE, TO THE APPELLATE DIVISION OF THE THIRD DEPARTMENT, WHICH SUCH
52 APPELLATE DIVISION SHALL HEAR SUCH APPEAL WITHIN NINETY DAYS OF THE
53 ISSUANCE OF THE DECISION OR ENTRY OF THE ORDER DENYING THE PETITION
54 SOUGHT IN ACCORDANCE WITH THIS SECTION, WHICHEVER IS EARLIER.

55 S 169-J. RESPONSIBILITIES OF A CONFINEMENT ENTITY PRIOR TO DISCHARGE
56 OF A TERRORIST. 1. NOTIFICATION OF THE DIVISION. FOR EVERY TERRORIST,

1 AS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B OF
2 THIS ARTICLE, WITHIN ITS CUSTODY, THE CONFINEMENT ENTITY, AS DEFINED IN
3 SUBDIVISION EIGHTEEN OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTI-
4 CLE, SHALL NOTIFY THE DIVISION, IN A FORM AND MANNER PROVIDED FOR BY THE
5 DIVISION, OF CERTAIN INFORMATION ON SUCH TERRORIST, INCLUDING, BUT NOT
6 LIMITED TO, THE TERRORIST'S NAME, THE ADDRESS OF THE TERRORIST PRIOR TO
7 CONFINEMENT, THE EXPECTED LENGTH OF CONFINEMENT OF THE TERRORIST, AND
8 THE DATE OF EXPECTED RELEASE OF THE TERRORIST FROM THE FACILITY MAIN-
9 TAINED BY THE CONFINEMENT ENTITY. THE NOTIFICATION REQUIRED BY THIS
10 SUBDIVISION SHALL TAKE PLACE WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF
11 THIS ARTICLE, OR IF THE CONFINEMENT ENTITY TAKES CUSTODY OF SUCH TERROR-
12 IST AFTER THE EFFECTIVE DATE OF THIS ARTICLE, THEN SUCH NOTICE SHALL
13 TAKE PLACE WITHIN THIRTY DAYS OF THE COMMENCEMENT OF THE DATE OF SUCH
14 CUSTODY OF SUCH TERRORIST.

15 2. NOTIFICATION OF DUTY AND OBLIGATION TO REGISTER. FOR EVERY TERROR-
16 IST, AS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B
17 OF THIS ARTICLE, WITHIN ITS CUSTODY, THE CONFINEMENT ENTITY, AS DEFINED
18 IN SUBDIVISION EIGHTEEN OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS
19 ARTICLE, SHALL INFORM SUCH TERRORIST OF THEIR DUTY AND OBLIGATION TO
20 REGISTER UNDER THIS ARTICLE. SUCH NOTIFICATION SHALL BE IN A FORM AND
21 MANNER PROVIDED BY THE DIVISION. THE FAILURE OF THE DIVISION, OR OF THE
22 CONFINEMENT ENTITY, TO PROVIDE, OR THE FAILURE OF THE TERRORIST TO
23 RECEIVE, SUCH NOTICE, SHALL NOT RELIEVE THE TERRORIST OF ANY DUTY AND/OR
24 OBLIGATION UNDER THIS ARTICLE. THE NOTIFICATION REQUIRED BY THIS SUBDI-
25 VISION SHALL TAKE PLACE NOT LESS THAN SIXTY CALENDAR DAYS PRIOR TO THE
26 RELEASE, DISCHARGE, PAROLE, RELEASE TO POST-RELEASE SUPERVISION OR ANY
27 OTHER RELEASE, OF THE TERRORIST, FROM THE CUSTODY OF THE CONFINEMENT
28 ENTITY, BUT IN THE EVENT THE CONFINEMENT ENTITY IS UNABLE TO NOTIFY THE
29 TERRORIST AT LEAST SIXTY DAYS PRIOR TO SUCH RELEASE, DISCHARGE, PAROLE,
30 RELEASE TO POST-RELEASE SUPERVISION OR ANY OTHER RELEASE, AS REQUIRED BY
31 THIS SUBDIVISION, THE CONFINEMENT ENTITY SHALL PROVIDE AN EMERGENCY
32 NOTIFICATION TO THE TERRORIST, IN A FORM AND MANNER BY THE DIVISION.

33 3. REGISTRATION AT THE FACILITY. IMMEDIATELY AFTER PROVIDING THE
34 TERRORIST WITH THE NOTIFICATION REQUIRED PURSUANT TO SUBDIVISION TWO OF
35 THIS SECTION, THE CONFINEMENT ENTITY SHALL PRESENT EVERY TERRORIST IN
36 THEIR CUSTODY WHO HAS NOT PREVIOUSLY REGISTERED WITH THE NEW YORK STATE
37 TERRORIST REGISTRY WITH A REGISTRATION PACKET AS DEFINED IN SUBDIVISION
38 ONE OF SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE, AS PROVIDED BY
39 THE DIVISION, AND SHALL FURTHER ARRANGE TO HAVE SUCH PACKET READ AND
40 EXPLAINED TO THE TERRORIST, AND AFTER SUCH READING AND EXPLANATION,
41 SHALL ADDITIONALLY REQUIRE THE TERRORIST TO:

42 (A) COMPLETE AND SIGN THE STANDARDIZED REGISTRATION FORM CONTAINED
43 WITHIN SUCH REGISTRATION PACKET;

44 (B) PRESENT HIMSELF OR HERSELF FOR THE TAKING OF AN INITIAL REGISTRA-
45 TION PHOTOGRAPH;

46 (C) PRESENT HIMSELF OR HERSELF FOR THE TAKING OF A COMPLETE SET OF
47 FINGERPRINTS; AND

48 (D) PRESENT HIMSELF OR HERSELF FOR THE TAKING OF A DNA SAMPLE.

49 4. FAILURE OF A TERRORIST TO REGISTER. NO CONFINEMENT ENTITY SHALL
50 RELEASE, DISCHARGE, PAROLE, RELEASE TO POST-RELEASE SUPERVISION, OR
51 PROVIDE ANY OTHER RELEASE FOR ANY TERRORIST REQUIRED TO REGISTER UNDER
52 THIS ARTICLE, WHO HAS NOT PREVIOUSLY REGISTERED WITH THE NEW YORK STATE
53 TERRORIST REGISTRY, WITHOUT FIRST OBTAINING A COMPLETED AND SIGNED
54 STANDARDIZED REGISTRATION FORM, AN INITIAL PHOTOGRAPH, A COMPLETE SET OF
55 FINGERPRINTS, AND A DNA SAMPLE FROM SUCH TERRORIST PURSUANT TO SUBDIVI-
56 SION THREE OF THIS SECTION.

1 5. SATISFACTION OF DUTY TO INITIALLY APPEAR BEFORE LAW ENFORCEMENT
2 AGENCY HAVING JURISDICTION. THE COLLECTION BY THE CONFINEMENT ENTITY OF
3 THE INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA
4 SAMPLE FROM THE TERRORIST IN ACCORDANCE WITH SUBDIVISION THREE OF THIS
5 SECTION, SHALL RELIEVE THE TERRORIST FROM THEIR DUTY TO INITIALLY APPEAR
6 BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION FOR THE COLLECTION
7 OF THE INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA
8 SAMPLE, BUT SHALL NOT RELIEVE SUCH TERRORIST FROM THEIR DUTY TO PAY,
9 WITHIN FIFTEEN DAYS OF RELEASE FROM THE CONFINEMENT ENTITY, THE ONE
10 HUNDRED DOLLAR FEE REQUIRED PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-P
11 OF THIS ARTICLE, OR THE DUTY TO APPEAR BEFORE SUCH LAW ENFORCEMENT AGEN-
12 CY HAVING JURISDICTION FOR THE PURPOSE OF PROVIDING A CHANGE OF ADDRESS
13 FORM, OR THE DUTY TO APPEAR OR RE-APPEAR BEFORE SUCH LAW ENFORCEMENT
14 AGENCY HAVING JURISDICTION FOR THE PURPOSE OF PROVIDING AN ANNUAL UPDATE
15 TO THE TERRORIST'S INITIAL PHOTOGRAPH.

16 6. RECORDING OF ADDRESS. UPON THE COMPLETION OF THE STANDARDIZED
17 REGISTRATION FORM BY THE TERRORIST, THE CONFINEMENT ENTITY SHALL IMME-
18 DIATELY RECORD FROM SUCH STANDARDIZED REGISTRATION FORM, THE ADDRESS
19 WHERE THE TERRORIST EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE, PAROLE,
20 RELEASE TO POST-RELEASE SUPERVISION OR ANY OTHER RELEASE, AND SHALL KEEP
21 AND MAINTAIN A RECORD OF SUCH ADDRESS.

22 7. TRANSMISSION OF THE STANDARDIZED REGISTRATION FORM. UPON THE
23 COMPLETION OF THE STANDARDIZED REGISTRATION FORM BY THE TERRORIST IN
24 ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, THE CONFINEMENT ENTI-
25 TY SHALL IMMEDIATELY GIVE ONE COPY OF THE COMPLETED AND SIGNED STANDARD-
26 IZED REGISTRATION FORM TO THE TERRORIST, MAINTAIN ONE COPY OF SUCH
27 COMPLETED AND SIGNED FORM FOR THE CONFINEMENT ENTITY'S OWN RECORDS, AND
28 SHALL FURTHER IMMEDIATELY TRANSMIT TO THE DIVISION, BY THE MEANS AND
29 MANNER PROVIDED BY THE DIVISION, THE ORIGINAL COMPLETED AND SIGNED
30 STANDARDIZED REGISTRATION FORM.

31 8. TRANSMISSION OF THE REGISTRATION MATERIALS. UPON THE COLLECTION OF
32 THE INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA
33 SAMPLE FROM THE TERRORIST IN ACCORDANCE WITH SUBDIVISION THREE OF THIS
34 SECTION, THE CONFINEMENT ENTITY SHALL IMMEDIATELY TRANSMIT TO THE DIVI-
35 SION THE INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE
36 DNA SAMPLE, BY THE MEANS AND MANNER PROVIDED BY THE DIVISION.

37 9. CONVICTION DATA AND PERSONAL INFORMATION. AT ANY TIME AFTER THE
38 EFFECTIVE DATE OF THIS ARTICLE, THE DIVISION MAY REQUEST, AND THE
39 CONFINEMENT ENTITY SHALL THEN IMMEDIATELY PROVIDE AND TRANSMIT TO THE
40 DIVISION, ANY AND ALL THE CONVICTION DATA AND PERSONAL INFORMATION OF
41 ANY TERRORIST, AS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED
42 SIXTY-NINE-B OF THIS ARTICLE, WITHIN THE CUSTODY OF THE CONFINEMENT
43 ENTITY.

44 10. SHARING OF CONVICTION DATA AND PERSONAL INFORMATION. UPON RECEIPT
45 OF THE CONVICTION DATA AND PERSONAL INFORMATION OF THE TERRORIST IN
46 ACCORDANCE WITH SUBDIVISION NINE OF THIS SECTION, THE DIVISION SHALL
47 IMMEDIATELY TRANSMIT SUCH CONVICTION DATA AND PERSONAL INFORMATION TO
48 THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THE FEDERAL
49 BUREAU OF INVESTIGATION, AND THE UNITED STATES DEPARTMENT OF HOMELAND
50 SECURITY.

51 S 169-K. RESPONSIBILITIES DURING COMMUNITY SUPERVISION OR PROBATION.
52 1. NOTIFICATION OF THE DIVISION. FOR EVERY TERRORIST, AS DEFINED IN
53 SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, ON
54 COMMUNITY SUPERVISION OR PROBATION, THE DEPARTMENT OR OFFICE OF
55 PROBATION AND CORRECTIONAL ALTERNATIVES SHALL NOTIFY THE DIVISION, IN A
56 FORM AND MANNER PROVIDED FOR BY THE DIVISION, OF CERTAIN INFORMATION ON

1 SUCH TERRORIST, INCLUDING, BUT NOT LIMITED TO, THE TERRORIST'S NAME, THE
2 ADDRESS OF THE TERRORIST PRIOR TO THE COMMUNITY SUPERVISION OR
3 PROBATION, THE CURRENT ADDRESS OF THE TERRORIST, THE EXPECTED LENGTH OF
4 COMMUNITY SUPERVISION OR PROBATION OF THE TERRORIST, AND THE DATE OF
5 EXPECTED RELEASE OF THE TERRORIST FROM THE COMMUNITY SUPERVISION OR
6 PROBATION. THE NOTIFICATION REQUIRED BY THIS SUBDIVISION SHALL TAKE
7 PLACE WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE, OR IF
8 THE TERRORIST COMMENCES COMMUNITY SUPERVISION OR PROBATION AFTER THE
9 EFFECTIVE DATE OF THIS ARTICLE, THEN SUCH NOTICE SHALL TAKE PLACE WITHIN
10 THIRTY DAYS OF THE COMMENCEMENT OF THE DATE OF SUCH COMMUNITY SUPER-
11 VISION OR PROBATION.

12 2. NOTIFICATION OF DUTY AND OBLIGATION TO REGISTER. FOR EVERY TERROR-
13 IST, AS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B
14 OF THIS ARTICLE, ON COMMUNITY SUPERVISION OR PROBATION, THE DEPARTMENT
15 OR OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL INFORM SUCH
16 TERRORIST OF THEIR DUTY AND OBLIGATION TO REGISTER UNDER THIS ARTICLE.
17 SUCH NOTIFICATION SHALL BE IN A FORM AND MANNER PROVIDED BY THE DIVI-
18 SION. THE FAILURE OF THE DIVISION, OR OF THE DEPARTMENT OR OFFICE OF
19 PROBATION AND CORRECTIONAL ALTERNATIVES, TO PROVIDE, OR THE FAILURE OF
20 THE TERRORIST TO RECEIVE, SUCH NOTICE, SHALL NOT RELIEVE THE TERRORIST
21 OF ANY DUTY AND/OR OBLIGATION UNDER THIS ARTICLE. THE NOTIFICATION
22 REQUIRED BY THIS SUBDIVISION SHALL TAKE PLACE NOT LESS THAN THIRTY
23 CALENDAR DAYS AFTER THE EFFECTIVE DATE OF THIS ARTICLE, BUT IN THE EVENT
24 THE DEPARTMENT OR OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES IS
25 UNABLE TO NOTIFY THE TERRORIST AS REQUIRED BY THIS SUBDIVISION, THE
26 DEPARTMENT OR OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL
27 PROVIDE AN EMERGENCY NOTIFICATION TO THE TERRORIST, IN A FORM AND MANNER
28 PROVIDED BY THE DIVISION.

29 3. REGISTRATION BY THE DEPARTMENT OR OFFICE OF PROBATION AND CORREC-
30 TIONAL ALTERNATIVES. IMMEDIATELY AFTER PROVIDING THE TERRORIST WITH THE
31 NOTIFICATION REQUIRED PURSUANT TO SUBDIVISION TWO OF THIS SECTION, THE
32 DEPARTMENT OR OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL
33 PRESENT EVERY TERRORIST, AS DEFINED IN SUBDIVISION ONE OF SECTION ONE
34 HUNDRED SIXTY-NINE-B OF THIS ARTICLE, ON COMMUNITY SUPERVISION OR
35 PROBATION, WHO HAS NOT PREVIOUSLY REGISTERED WITH THE NEW YORK STATE
36 TERRORIST REGISTRY, WITH A REGISTRATION PACKET, AS DEFINED IN SUBDIVI-
37 SION ONE OF SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE, AS
38 PROVIDED BY THE DIVISION, AND SHALL FURTHER ARRANGE TO HAVE SUCH PACKET
39 READ AND EXPLAINED TO THE TERRORIST, AND AFTER SUCH READING AND EXPLANA-
40 TION, SHALL ADDITIONALLY REQUIRE THE TERRORIST TO:

41 (A) COMPLETE AND SIGN THE STANDARDIZED REGISTRATION FORM CONTAINED
42 WITHIN SUCH REGISTRATION PACKET;

43 (B) PRESENT HIMSELF OR HERSELF FOR THE TAKING OF AN INITIAL REGISTRA-
44 TION PHOTOGRAPH;

45 (C) PRESENT HIMSELF OR HERSELF FOR THE TAKING OF A COMPLETE SET OF
46 FINGERPRINTS; AND

47 (D) PRESENT HIMSELF OR HERSELF FOR THE TAKING OF A DNA SAMPLE.

48 4. FAILURE OF A TERRORIST TO REGISTER. NEITHER THE DEPARTMENT NOR THE
49 OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL RELEASE OR
50 DISCHARGE FROM PROBATION OR COMMUNITY SUPERVISION ANY TERRORIST REQUIRED
51 TO REGISTER UNDER THIS ARTICLE WHO HAS NOT PREVIOUSLY REGISTERED WITH
52 THE NEW YORK STATE TERRORIST REGISTRY, WITHOUT FIRST OBTAINING A
53 COMPLETED AND SIGNED STANDARDIZED REGISTRATION FORM, AN INITIAL PHOTO-
54 GRAPH, A COMPLETE SET OF FINGERPRINTS, AND A DNA SAMPLE, FROM SUCH
55 TERRORIST PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

1 5. SATISFACTION OF DUTY TO INITIALLY APPEAR BEFORE LAW ENFORCEMENT
2 AGENCY HAVING JURISDICTION. THE COLLECTION BY THE DEPARTMENT OR THE
3 OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES, OF THE INITIAL PHOTO-
4 GRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA SAMPLE, FROM THE
5 TERRORIST, IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, SHALL
6 RELIEVE THE TERRORIST FROM THEIR DUTY TO INITIALLY APPEAR BEFORE THE LAW
7 ENFORCEMENT AGENCY HAVING JURISDICTION, FOR THE COLLECTION OF THE
8 INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA
9 SAMPLE, BUT SHALL NOT RELIEVE SUCH TERRORIST FROM THEIR DUTY TO PAY,
10 WITHIN FIFTEEN DAYS OF RELEASE FROM PROBATION OR COMMUNITY SUPERVISION,
11 THE ONE HUNDRED DOLLAR FEE REQUIRED PURSUANT TO SECTION ONE HUNDRED
12 SIXTY-NINE-P OF THIS ARTICLE, OR THE DUTY TO APPEAR BEFORE SUCH LAW
13 ENFORCEMENT AGENCY HAVING JURISDICTION FOR THE PURPOSE OF PROVIDING A
14 CHANGE OF ADDRESS FORM, OR THE DUTY TO APPEAR OR RE-APPEAR BEFORE SUCH
15 LAW ENFORCEMENT AGENCY HAVING JURISDICTION FOR THE PURPOSE OF PROVIDING
16 AN ANNUAL UPDATE TO THE TERRORIST'S INITIAL PHOTOGRAPH.

17 6. RECORDING OF ADDRESS. UPON THE COMPLETION OF THE STANDARDIZED
18 REGISTRATION FORM BY THE TERRORIST, THE DEPARTMENT OR THE OFFICE OF
19 PROBATION AND CORRECTIONAL ALTERNATIVES SHALL IMMEDIATELY RECORD FROM
20 SUCH STANDARDIZED REGISTRATION FORM, THE ADDRESS WHERE THE TERRORIST
21 EXPECTS TO RESIDE UPON HIS OR HER RELEASE OR DISCHARGE FROM COMMUNITY
22 SUPERVISION OR PROBATION, AND SHALL KEEP AND MAINTAIN A RECORD OF SUCH
23 ADDRESS.

24 7. TRANSMISSION OF THE STANDARDIZED REGISTRATION FORM. UPON THE
25 COMPLETION OF THE STANDARDIZED REGISTRATION FORM BY THE TERRORIST, IN
26 ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, THE DEPARTMENT OR THE
27 OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL IMMEDIATELY GIVE
28 ONE COPY OF THE COMPLETED AND SIGNED STANDARDIZED REGISTRATION FORM TO
29 THE TERRORIST, MAINTAIN ONE COPY OF SUCH COMPLETED AND SIGNED FORM FOR
30 THE CONFINEMENT ENTITY'S OWN RECORDS, AND SHALL FURTHER IMMEDIATELY
31 TRANSMIT TO THE DIVISION, BY THE MEANS AND MANNER PROVIDED BY THE DIVI-
32 SION, THE ORIGINAL COMPLETED AND SIGNED STANDARDIZED REGISTRATION FORM.

33 8. TRANSMISSION OF THE REGISTRATION MATERIALS. UPON THE COLLECTION OF
34 THE INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA
35 SAMPLE, FROM THE TERRORIST, IN ACCORDANCE WITH SUBDIVISION THREE OF THIS
36 SECTION, THE DEPARTMENT OR THE OFFICE OF PROBATION AND CORRECTIONAL
37 ALTERNATIVES SHALL IMMEDIATELY TRANSMIT TO THE DIVISION, THE INITIAL
38 PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA SAMPLE, BY THE
39 MEANS AND MANNER PROVIDED BY THE DIVISION.

40 9. CONVICTION DATA AND PERSONAL INFORMATION. AT ANY TIME AFTER THE
41 EFFECTIVE DATE OF THIS ARTICLE, THE DIVISION MAY REQUEST, AND THE
42 DEPARTMENT OR THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES
43 SHALL THEN IMMEDIATELY PROVIDE AND TRANSMIT TO THE DIVISION, ANY AND ALL
44 THE CONVICTION DATA AND PERSONAL INFORMATION OF ANY TERRORIST, AS
45 DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS
46 ARTICLE, ON COMMUNITY SUPERVISION OR PROBATION.

47 10. SHARING OF CONVICTION DATA AND PERSONAL INFORMATION. UPON RECEIPT
48 OF THE CONVICTION DATA AND PERSONAL INFORMATION OF THE TERRORIST, IN
49 ACCORDANCE WITH SUBDIVISION NINE OF THIS SECTION, THE DIVISION SHALL
50 IMMEDIATELY TRANSMIT SUCH CONVICTION DATA AND PERSONAL INFORMATION TO
51 THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THE FEDERAL
52 BUREAU OF INVESTIGATION, AND THE UNITED STATE DEPARTMENT OF HOMELAND
53 SECURITY.

54 S 169-L. DURATION OF REGISTRATION AND VERIFICATION. THE DURATION OF
55 REGISTRATION OF A TERRORIST ADDED TO THE NEW YORK STATE TERRORIST REGIS-

1 TRY SHALL BE FOR LIFE, AND THE DUTY AND OBLIGATION TO PROVIDE VERIFICA-
2 TION BY SUCH TERRORIST SHALL BE QUARTERLY FOR LIFE.

3 S 169-M. NOTIFICATION OF CHANGE OF ADDRESS. 1. DUTY AND OBLIGATION TO
4 NOTIFY DIVISION OF CHANGE OF ADDRESS. IN ACCORDANCE WITH SUBDIVISION
5 FIVE OF SECTION ONE HUNDRED SIXTY-NINE-H OF THIS ARTICLE, ANY TERRORIST
6 ADDED TO THE NEW YORK STATE TERRORIST REGISTRY WHO IS A RESIDENT OF NEW
7 YORK STATE SHALL, IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY THIS
8 ARTICLE, REGISTER HIS OR HER CURRENT RESIDENTIAL ADDRESS AND THE ADDRESS
9 OF HIS OR HER PLACE OF EMPLOYMENT OR EDUCATIONAL INSTITUTION ATTENDED
10 WITH THE DIVISION, AND SHALL NOTIFY THE DIVISION OF ANY CHANGE OF RESI-
11 DENCE, EMPLOYMENT OR EDUCATIONAL INSTITUTION ADDRESS IN ACCORDANCE WITH
12 THE PROVISIONS OF THIS ARTICLE.

13 2. NOTIFICATION OF LOCAL LAW ENFORCEMENT. UPON RECEIPT OF A CHANGE OF
14 ADDRESS BY A TERRORIST REQUIRED TO REGISTER UNDER THIS ARTICLE, IN
15 ACCORDANCE WITH SUBDIVISION ONE OF THIS SECTION, THE DIVISION SHALL
16 IMMEDIATELY NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION
17 OF THE NEW PLACE OF RESIDENCE, PLACE OF EMPLOYMENT OR PLACE OF EDUCA-
18 TIONAL INSTITUTION ATTENDED, AND THE LOCAL LAW ENFORCEMENT AGENCY HAVING
19 JURISDICTION WHERE THE TERRORIST LAST RESIDED, WORKED OR ATTENDED EDUCA-
20 TIONAL INSTRUCTION, OF SUCH CHANGE OF ADDRESS.

21 3. REQUIREMENTS OF LOCAL LAW ENFORCEMENT. UPON RECEIPT OF THE CHANGE
22 OF ADDRESS INFORMATION FROM THE DIVISION, SENT TO THE LAW ENFORCEMENT
23 AGENCY HAVING JURISDICTION, IN ACCORDANCE WITH SUBDIVISION TWO OF THIS
24 SECTION, THE LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION SHALL
25 ADHERE TO ALL THE PROVISIONS AND REQUIREMENTS SET FORTH IN THIS ARTICLE.

26 4. NOTIFICATION OF OTHER JURISDICTIONS. THE DIVISION SHALL, IF THE
27 TERRORIST CHANGES HIS OR HER RESIDENCE TO ANOTHER STATE OR NATION, NOTI-
28 FY THE APPROPRIATE AGENCY WITHIN THAT STATE OR NATION OF THE NEW PLACE
29 OF RESIDENCE.

30 S 169-N. REGISTRY INFORMATION SHARING. 1. SHARING OF INFORMATION WITH
31 NEW YORK AND FEDERAL ENTITIES. THE DIVISION, PURSUANT TO THIS SECTION,
32 IS AUTHORIZED TO SHARE THE NEW YORK STATE TERRORIST REGISTRY, AND ALL OF
33 ITS INFORMATION CONTAINED THEREIN, WITH THE DIVISION OF HOMELAND SECURI-
34 TY AND EMERGENCY SERVICES, THE DIVISION OF STATE POLICE, THE DEPARTMENT,
35 ANY COURT OF THE UNIFIED COURT SYSTEM, THE NEW YORK CITY POLICE DEPART-
36 MENT, THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, THE UNITED
37 STATES DEPARTMENT OF JUSTICE, THE UNITED STATES DEPARTMENT OF STATE, THE
38 OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, THE UNITED STATES
39 CENTRAL INTELLIGENCE AGENCY, AND ANY LOCAL, STATE, NATIONAL AND INTERNA-
40 TIONAL LAW ENFORCEMENT ENTITY, AND/OR ANY OTHER ENTITY THAT THE DIVISION
41 DEEMS APPROPRIATE TO ADVANCE THE PURPOSES OF THIS ARTICLE. FOR THE
42 PURPOSES OF THIS SECTION, THE SHARING OF INFORMATION SHALL INCLUDE THE
43 PROVISION OF INFORMATION FROM THE NEW YORK STATE TERRORIST REGISTRY TO
44 THE ENTITIES AUTHORIZED UNDER THIS SECTION, AS WELL AS THE RECEIPT AND
45 INCORPORATION OF INFORMATION INTO NEW YORK STATE TERRORIST REGISTRY FROM
46 THE ENTITIES AUTHORIZED UNDER THIS SECTION.

47 2. SHARING OF INFORMATION WITH OTHER REGISTRY ENTITIES. THE DIVISION,
48 PURSUANT TO THIS SECTION, IS FURTHER AUTHORIZED TO SHARE THE NEW YORK
49 STATE TERRORIST REGISTRY, AND ALL OF ITS INFORMATION CONTAINED THEREIN,
50 WITH ANY OTHER STATE, REGIONAL OR NATIONAL REGISTRY OF TERRORISTS,
51 INCLUDING BUT NOT LIMITED TO, THE TERRORIST SCREENING DATABASE MAIN-
52 TAINED BY THE FEDERAL BUREAU OF INVESTIGATION'S TERRORIST SCREENING
53 CENTER, AND/OR ANY AND ALL OTHER DATABASES MAINTAINED BY THE DIVISION OF
54 THE STATE POLICE, AND/OR ANY AND ALL OTHER DATABASES MAINTAINED BY ANY
55 LOCAL, STATE, NATIONAL AND INTERNATIONAL LAW ENFORCEMENT ENTITIES,
56 AND/OR ANY OTHER ENTITY THAT MAINTAINS A CRIMINAL JUSTICE OR TERRORIST

1 DATABASE THAT THE DIVISION DEEMS APPROPRIATE TO ADVANCE THE PURPOSES OF
2 THIS ARTICLE. FOR THE PURPOSES OF THIS SECTION, THE SHARING OF INFORMA-
3 TION SHALL INCLUDE THE PROVISION OF INFORMATION FROM THE NEW YORK STATE
4 TERRORIST REGISTRY TO THE ENTITIES AUTHORIZED UNDER THIS SECTION, AS
5 WELL AS THE RECEIPT AND INCORPORATION OF INFORMATION INTO NEW YORK STATE
6 TERRORIST REGISTRY FROM THE ENTITIES AUTHORIZED UNDER THIS SECTION.

7 3. REVIEW OF REGISTRY FOR SECURE INFORMATION. THE DIVISION OF HOMELAND
8 SECURITY AND EMERGENCY SERVICES, PURSUANT TO THIS SECTION, IN CONSULTA-
9 TION WITH THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES AND
10 THE DIVISION OF STATE POLICE, SHALL REVIEW THE INFORMATION CONTAINED ON
11 THE NEW YORK STATE TERRORIST REGISTRY, AND SHALL DETERMINE WHETHER THE
12 DISCLOSURE OF ANY PARTICULAR INFORMATION CONTAINED ON THE REGISTRY MAY
13 CAUSE A SECURITY RISK TO THE PEOPLE OR PROPERTY OF THE STATE OF NEW
14 YORK. UPON THE REVIEW MADE IN ACCORDANCE WITH THIS SUBDIVISION, AND UPON
15 A DETERMINATION THAT ANY PARTICULAR INFORMATION NEEDS TO BE DEEMED
16 SECURE, THE DIVISION SHALL REMOVE SUCH SECURE INFORMATION FROM PUBLIC
17 ACCESSIBILITY, INCLUDING EXEMPTING SUCH INFORMATION FROM THE REQUIRE-
18 MENTS OF THE POSTING ON THE DIVISION'S WEBSITE, PURSUANT TO SECTION ONE
19 HUNDRED SIXTY-NINE-R OF THIS ARTICLE, OR PROVIDING OF SUCH INFORMATION
20 THROUGH THE SPECIAL TELEPHONE NUMBER IN ACCORDANCE WITH SECTION ONE
21 HUNDRED SIXTY-NINE-Q OF THIS ARTICLE. ANY INFORMATION DEEMED SECURE
22 PURSUANT TO THIS SUBDIVISION SHALL NOT BE SUBJECT TO THE PROVISIONS OF
23 THE NEW YORK STATE FREEDOM OF INFORMATION LAW PURSUANT TO ARTICLE SIX OF
24 THE PUBLIC OFFICERS LAW.

25 4. SECURE INFORMATION SHARABLE. IN NO EVENT SHALL A DETERMINATION MADE
26 BY THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THAT
27 PARTICULAR INFORMATION SHALL BE DEEMED SECURE, PURSUANT TO SUBDIVISION
28 THREE OF THIS SECTION, PREVENT THE DIVISION FROM SHARING SUCH SECURE
29 INFORMATION WITH ANY ENTITY IDENTIFIED FOR THE REGISTRY INFORMATION
30 SHARING PURSUANT TO THIS SECTION, BUT THE DIVISION MAY PLACE SHARING
31 RESTRICTIONS ON SUCH SECURE INFORMATION, AS DETERMINED BY THE DIVISION
32 OF HOMELAND SECURITY AND EMERGENCY SERVICES, WHEN SHARING SUCH SECURE
33 INFORMATION WITH OTHER AUTHORIZED SHARING ENTITIES, IN ACCORDANCE WITH
34 SUBDIVISION ONE AND TWO OF THIS SECTION, COULD RESULT IN THE INAPPROPRI-
35 ATE DISCLOSURE OF SUCH SECURE INFORMATION.

36 S 169-O. DNA AND FINGERPRINT CUSTODY AND ANALYSIS. 1. SECURE CUSTODIAL
37 COLLECTION. THE DIVISION, PURSUANT TO THIS SECTION, SHALL PROVIDE FOR
38 THE SECURE CUSTODIAL COLLECTION OF THE DNA SAMPLE AND FINGERPRINTS TAKEN
39 FROM THE TERRORIST BY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION,
40 THE CONFINEMENT ENTITY, OR THE DEPARTMENT OR OFFICE OF PROBATION AND
41 CORRECTIONAL ALTERNATIVES, IN ACCORDANCE WITH THE PROVISIONS OF THIS
42 ARTICLE. THE DIVISION SHALL FURTHER DEVELOP BY REGULATION, PROTOCOLS FOR
43 SUCH SECURE CUSTODIAL COLLECTION OF THE DNA SAMPLE AND FINGERPRINTS
44 COLLECTED FROM THE TERRORIST, AND SHALL MAKE AVAILABLE AN INFORMATION
45 PACKET TO EXPLAIN THE SECURE PROTOCOLS TO ALL LAW ENFORCEMENT AGENCIES
46 HAVING JURISDICTION, ALL CONFINEMENT ENTITIES, THE DEPARTMENT AND THE
47 OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES.

48 2. SECURE CUSTODIAL TRANSFER OF DNA. THE DIVISION, PURSUANT TO THIS
49 SECTION, SHALL PROVIDE FOR THE SECURE CUSTODIAL TRANSFER OF THE DNA
50 SAMPLE COLLECTED FROM THE TERRORIST BY THE LAW ENFORCEMENT AGENCY HAVING
51 JURISDICTION, THE CONFINEMENT ENTITY, THE DEPARTMENT, OR THE OFFICE OF
52 PROBATION AND CORRECTIONAL ALTERNATIVES, IN ACCORDANCE WITH THE
53 PROVISIONS OF THIS ARTICLE, TO THE LABORATORY MAINTAINED BY THE DIVISION
54 OF STATE POLICE, AND/OR ANY OTHER APPROVED DNA ANALYSIS ENTITY, AS
55 CONTRACTED WITH BY THE DIVISION, FOR THE PRESERVATION, STORAGE AND ANAL-
56 YSIS OF SUCH DNA SAMPLE.

1 3. SECURE CUSTODIAL TRANSFER OF FINGERPRINTS. THE DIVISION, PURSUANT
2 TO THIS SECTION, SHALL PROVIDE FOR THE SECURE CUSTODIAL TRANSFER OF THE
3 FINGERPRINTS COLLECTED FROM THE TERRORIST BY THE LAW ENFORCEMENT AGENCY
4 HAVING JURISDICTION, THE CONFINEMENT ENTITY, THE DEPARTMENT, OR THE
5 OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES, IN ACCORDANCE WITH
6 THE PROVISIONS OF THIS ARTICLE, TO THE LABORATORY MAINTAINED BY THE
7 DIVISION OF STATE POLICE, AND/OR ANY OTHER APPROVED FINGERPRINT ANALYSIS
8 ENTITY, AS CONTRACTED WITH BY THE DIVISION, FOR THE PRESERVATION, STOR-
9 AGE AND ANALYSIS OF SUCH FINGERPRINTS.

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

14 S 169-P. REGISTRY AND VERIFICATION FEES. 1. CHARGING OF FEES. THE
15 DIVISION, PURSUANT TO THIS SECTION, SHALL:

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

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

20 (C) CHARGE A FEE OF TEN DOLLARS EACH TIME A TERRORIST APPEARS TO
21 PERMIT THE TAKING OF AN UPDATED ANNUAL PHOTOGRAPH.

22 2. PAYMENT OF FEES. ALL FEES CHARGED PURSUANT TO THIS SECTION SHALL BE
23 PAID TO THE DIVISION BY THE TERRORIST AT THE TIME AND MANNER PRESCRIBED
24 BY THE DIVISION.

25 3. WAIVER OF FEES. THE DIVISION MAY PROVIDE, ON A CASE BY CASE BASIS,
26 FOR A WAIVER OF ANY FEE TO BE CHARGED PURSUANT TO THIS SECTION, OR MAY
27 FURTHER AUTHORIZE, ON A CASE BY CASE BASIS, FOR A DELAYED OR INSTALLMENT
28 PAYMENT OF A FEE TO BE CHARGED PURSUANT TO THIS SECTION.

29 4. DEPOSIT AUTHORIZATION. THE STATE COMPTROLLER IS HEREBY AUTHORIZED
30 TO DEPOSIT ANY AND ALL FEES COLLECTED PURSUANT TO THIS SECTION INTO THE
31 GENERAL FUND.

32 S 169-Q. SPECIAL TELEPHONE NUMBER. 1. TOLL FREE NUMBER. THE DIVISION
33 SHALL OPERATE A TELEPHONE NUMBER THAT MEMBERS OF THE PUBLIC MAY CALL
34 FREE OF CHARGE TO INQUIRE WHETHER A NAMED INDIVIDUAL REQUIRED TO REGIS-
35 TER PURSUANT TO THIS ARTICLE IS LISTED ON THE NEW YORK STATE TERRORIST
36 REGISTRY, AND TO OBTAIN PUBLICLY AVAILABLE REGISTRY INFORMATION WITH
37 RESPECT TO SUCH TERRORIST.

38 2. RECEIPT OF, AND RESPONSE TO, CALLS TO THE SPECIAL TELEPHONE NUMBER.
39 UPON THE RECEIPT OF A CALL TO THE SPECIAL TELEPHONE NUMBER PROVIDED FOR
40 IN THIS SECTION, THE DIVISION SHALL:

41 (A) ASK THE CALLER FOR A NAME OF AN INDIVIDUAL ON WHICH THE CALLER
42 WOULD LIKE TO OBTAIN INFORMATION.

43 (B) ASCERTAIN WHETHER SUCH NAMED INDIVIDUAL REASONABLY APPEARS TO BE A
44 PERSON LISTED ON THE REGISTRY, AND IN DECIDING WHETHER SUCH NAMED INDI-
45 VIDUAL REASONABLY APPEARS TO BE A PERSON LISTED ON THE REGISTRY, THE
46 DIVISION SHALL REQUIRE THE CALLER TO PROVIDE INFORMATION ON ANY THREE OF
47 THE FOLLOWING:

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

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

52 (III) THE DATE OF BIRTH OF THE TERRORIST;

53 (IV) THE SOCIAL SECURITY NUMBER OR TAXPAYER IDENTIFICATION NUMBER OF
54 THE TERRORIST;

55 (V) THE COUNTRY OF ORIGIN OF THE TERRORIST;

1 (VI) THE CRIME OF TERRORISM OR VERIFIABLE TERRORIST ACT COMMITTED BY
2 THE TERRORIST;
3 (VII) THE HAIR COLOR OR EYE COLOR OF THE TERRORIST;
4 (VIII) THE HEIGHT, WEIGHT, OR BUILD OF THE TERRORIST;
5 (IX) ANY DISTINCTIVE MARKINGS OR THE ETHNICITY OF THE TERRORIST;
6 AND/OR
7 (X) THE NAME AND STREET ADDRESS OF THE TERRORIST'S EMPLOYER.
8 (C) UPON ASCERTAINING THAT THE NAMED INDIVIDUAL REASONABLY APPEARS TO
9 BE A PERSON LISTED ON THE NEW YORK STATE TERRORIST REGISTRY BASED UPON
10 THE INFORMATION PROVIDED FROM THE CALLER IN ACCORDANCE WITH PARAGRAPH
11 (B) OF THIS SUBDIVISION, PROVIDE THE CALLER WITH THE FOLLOWING INFORMA-
12 TION:
13 (I) THE NAME OF THE TERRORIST;
14 (II) THE AGE, PHYSICAL DESCRIPTION AND ANY DISTINCTIVE MARKINGS OF THE
15 TERRORIST;
16 (III) THE EXACT RESIDENTIAL ADDRESS OF THE TERRORIST;
17 (IV) IF THE TERRORIST IS EMPLOYED, THE EXACT ADDRESS OF THE TERROR-
18 IST'S PLACE OF EMPLOYMENT;
19 (V) IF THE TERRORIST IS A STUDENT, THE EXACT ADDRESS OF THE EDUCA-
20 TIONAL INSTITUTION THE TERRORIST IS ATTENDING; AND
21 (VI) BACKGROUND INFORMATION ON THE TERRORIST, INCLUDING FOR EACH AND
22 EVERY TERRORIST INCIDENT INVOLVING THE TERRORIST, THE TERRORIST'S CRIME
23 OF CONVICTION, VERIFIABLE ACT OF TERRORISM, MODUS OF OPERATION, AND ANY
24 OTHER INFORMATION THE DIVISION DEEMS RELEVANT TO PROVIDE.
25 (D) PLAY, BEFORE A LIVE OPERATOR SPEAKS WITH THE CALLER, A RECORDED
26 PREAMBLE WHICH SHALL PROVIDE THE FOLLOWING NOTICES:
27 (I) THAT THE CALLER'S TELEPHONE NUMBER WILL BE RECORDED;
28 (II) THAT THERE WILL BE NO CHARGE TO THE CALLER FOR USE OF THE SPECIAL
29 TELEPHONE NUMBER;
30 (III) THAT THE CALLER SHALL BE REQUIRED TO PROVIDE THEIR NAME AND
31 ADDRESS TO THE OPERATOR AND THAT SUCH SHALL BE MAINTAINED IN A WRITTEN
32 RECORD;
33 (IV) THAT THE CALLER IS REQUIRED TO BE NOT LESS THAN EIGHTEEN YEARS OF
34 AGE;
35 (V) THAT IT IS ILLEGAL TO USE INFORMATION OBTAINED THROUGH THE TELE-
36 PHONE NUMBER TO COMMIT A CRIME AGAINST ANY PERSON REGISTERED ON THE NEW
37 YORK STATE TERRORIST REGISTRY, OR TO ENGAGE IN ILLEGAL DISCRIMINATION OR
38 HARASSMENT AGAINST SUCH PERSON;
39 (VI) THAT THE CALLER IS REQUIRED TO HAVE THE IDENTIFYING INFORMATION
40 REQUIRED TO BE PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION REGARDING
41 THE INDIVIDUAL ABOUT WHOM INFORMATION IS SOUGHT IN ORDER TO ACHIEVE A
42 POSITIVE IDENTIFICATION OF THAT PERSON;
43 (VII) THAT THE SPECIAL TELEPHONE NUMBER IS NOT A CRIME HOTLINE AND
44 THAT ANY SUSPECTED CRIMINAL OR TERRORIST ACTIVITY SHOULD BE REPORTED TO
45 THE LOCAL, STATE OR FEDERAL AUTHORITIES; AND
46 (VIII) THAT AN INFORMATION PACKAGE, WHICH WILL INCLUDE A DESCRIPTION
47 OF THE LAW PERTAINING TO THE NEW YORK STATE TERRORIST REGISTRY, IS
48 AVAILABLE ONLINE ON THE DIVISION'S OFFICIAL WEBSITE, AND IN WRITING, BY
49 MAIL, UPON REQUEST FROM THE DIVISION.
50 3. MISUSE OF THE SPECIAL TELEPHONE NUMBER. WHENEVER THERE IS REASON-
51 ABLE CAUSE TO BELIEVE THAT ANY PERSON OR GROUP OF PERSONS IS ENGAGED IN
52 A PATTERN OR PRACTICE OF MISUSE OF THE SPECIAL TELEPHONE NUMBER, THE
53 ATTORNEY GENERAL, ANY DISTRICT ATTORNEY OR ANY PERSON AGGRIEVED BY THE
54 MISUSE OF THE NUMBER IS AUTHORIZED TO BRING A CIVIL ACTION IN THE APPRO-
55 PRIATE COURT REQUESTING PREVENTIVE RELIEF, INCLUDING AN APPLICATION FOR
56 A PERMANENT OR TEMPORARY INJUNCTION, RESTRAINING ORDER OR OTHER ORDER

1 AGAINST THE PERSON OR GROUP OF PERSONS RESPONSIBLE FOR THE PATTERN OR
2 PRACTICE OF MISUSE, AND THE FOREGOING REMEDIES SHALL BE INDEPENDENT OF
3 ANY OTHER REMEDIES OR PROCEDURES THAT MAY BE AVAILABLE TO AN AGGRIEVED
4 PARTY UNDER OTHER PROVISIONS OF LAW, AND SUCH PERSON OR GROUP OF PERSONS
5 SHALL BE SUBJECT TO A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS AND NOT
6 MORE THAN ONE THOUSAND DOLLARS.

7 4. REPORT OF CALL ACTIVITY. THE DIVISION SHALL, ON OR BEFORE THE
8 FIRST OF SEPTEMBER IN EACH YEAR, FILE A REPORT WITH THE GOVERNOR, THE
9 TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE STATE ASSEMBLY,
10 THE CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURI-
11 TY AND MILITARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY STANDING COMMIT-
12 TEE ON GOVERNMENTAL OPERATIONS, ON THE OPERATION OF THE TELEPHONE
13 NUMBER, AND SUCH ANNUAL REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, ALL
14 OF THE FOLLOWING:

15 (A) THE NUMBER OF CALLS RECEIVED;

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

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

21 (D) A SUMMARY OF THE SUCCESS OF THE SPECIAL TELEPHONE NUMBER PROGRAM
22 BASED UPON THE ABOVE OR ANY OTHER SELECTED FACTORS THE DIVISION SHALL
23 DEEM RELEVANT;

24 (E) A COMPARISON BETWEEN THE EFFICACY OF THE SPECIAL TELEPHONE NUMBER,
25 OPERATED PURSUANT TO THIS SECTION, AND THE INTERNET DIRECTORY, OPERATED
26 PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-R OF THIS ARTICLE; AND

27 (F) RECOMMENDATIONS AS TO HOW THE DIVISION MIGHT IMPROVE THE SPECIAL
28 TELEPHONE NUMBER AND/OR THE NEW YORK STATE TERRORIST REGISTRY.

29 5. SECURE INFORMATION. THE OPERATORS OF THE SPECIAL TELEPHONE NUMBER
30 SHALL NOT PROVIDE ANY CALLER WITH ANY INFORMATION FROM THE NEW YORK
31 STATE TERRORIST REGISTRY THAT THE DIVISION HAS DEEMED SECURE IN ACCORD-
32 ANCE WITH SUBDIVISION THREE OF SECTION ONE HUNDRED SIXTY-NINE-N OF THIS
33 ARTICLE.

34 6. ADVERTISEMENT OF SPECIAL TELEPHONE NUMBER. THE DIVISION SHALL
35 PROVIDE FOR THE ADVERTISEMENT OF THE SPECIAL TELEPHONE NUMBER ESTAB-
36 LISHED PURSUANT TO THIS SECTION, INCLUDING BUT NOT LIMITED TO THE POST-
37 ING OF SUCH NUMBER ON ITS OFFICIAL WEBSITE, AND THE OFFICIAL WEBSITE OF
38 THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES.

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

41 S 169-R. INTERNET DIRECTORY. 1. OPERATION OF THE INTERNET DIRECTORY.
42 THE DIVISION SHALL MAINTAIN AND OPERATE AN INTERNET DIRECTORY OF THE NEW
43 YORK STATE TERRORIST REGISTRY WHICH SHALL:

44 (A) INCLUDE THE FOLLOWING INFORMATION FOR EACH TERRORIST:

45 (I) THE NAME OF THE TERRORIST;

46 (II) THE AGE, PHYSICAL DESCRIPTION AND ANY DISTINCTIVE MARKINGS OF THE
47 TERRORIST;

48 (III) THE MOST RECENT PHOTOGRAPH OF THE TERRORIST TAKEN OF THE TERROR-
49 IST FOR THE REGISTRY;

50 (IV) THE EXACT RESIDENTIAL ADDRESS OF THE TERRORIST;

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

53 (VI) IF THE TERRORIST IS A STUDENT, THE EXACT ADDRESS OF THE EDUCA-
54 TIONAL INSTITUTION THE TERRORIST IS ATTENDING; AND

55 (VII) BACKGROUND INFORMATION ON THE TERRORIST, INCLUDING EACH AND
56 EVERY TERRORIST INCIDENT INVOLVING THE TERRORIST, THE TERRORIST'S CRIME

1 OF CONVICTION, VERIFIABLE ACT OF TERRORISM, MODUS OF OPERATION, AND ANY
2 OTHER INFORMATION THE DIVISION DEEMS RELEVANT TO PROVIDE;

3 (B) HAVE TERRORIST LISTINGS CATEGORIZED BY COUNTY AND ZIP CODE; AND
4 (C) BE MADE AVAILABLE AT ALL TIMES ON THE INTERNET VIA THE DIVISION'S
5 OFFICIAL HOMEPAGE, WITH A LINK TO CONNECT TO SUCH DIRECTORY ALSO APPEAR-
6 ING ON THE OFFICIAL HOMEPAGE OF THE DIVISION OF HOMELAND SECURITY AND
7 EMERGENCY SERVICES.

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

15 3. NO CHARGE FOR THE USE OF THE DIRECTORY. THE DIVISION SHALL NOT
16 CHARGE FOR ACCESS TO THE INTERNET DIRECTORY NOR FOR THE RECEIPT OF
17 E-MAIL NOTIFICATIONS.

18 4. MISUSE OF THE INTERNET DIRECTORY. WHENEVER THERE IS REASONABLE
19 CAUSE TO BELIEVE THAT ANY PERSON OR GROUP OF PERSONS IS ENGAGED IN A
20 PATTERN OR PRACTICE OF MISUSE OF THE INTERNET DIRECTORY, THE ATTORNEY
21 GENERAL, ANY DISTRICT ATTORNEY OR ANY PERSON AGGRIEVED BY THE MISUSE OF
22 THE DIRECTORY IS AUTHORIZED TO BRING A CIVIL ACTION IN THE APPROPRIATE
23 COURT REQUESTING PREVENTIVE RELIEF, INCLUDING AN APPLICATION FOR A
24 PERMANENT OR TEMPORARY INJUNCTION, RESTRAINING ORDER OR OTHER ORDER
25 AGAINST THE PERSON OR GROUP OF PERSONS RESPONSIBLE FOR THE PATTERN OR
26 PRACTICE OF MISUSE, AND THE FOREGOING REMEDIES SHALL BE INDEPENDENT OF
27 ANY OTHER REMEDIES OR PROCEDURES THAT MAY BE AVAILABLE TO AN AGGRIEVED
28 PARTY UNDER OTHER PROVISIONS OF LAW, AND SUCH PERSON OR GROUP OF PERSONS
29 SHALL BE SUBJECT TO A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS AND NOT
30 MORE THAN ONE THOUSAND DOLLARS.

31 5. SECURE INFORMATION. THE INTERNET DIRECTORY SHALL NOT PROVIDE ANY
32 USER WITH ANY INFORMATION FROM THE NEW YORK STATE TERRORIST REGISTRY
33 THAT THE DIVISION HAS DEEMED SECURE, IN ACCORDANCE WITH SUBDIVISION
34 THREE OF SECTION ONE HUNDRED SIXTY-NINE-N OF THIS ARTICLE.

35 6. ADVERTISEMENT OF INTERNET DIRECTORY. THE DIVISION SHALL PROVIDE FOR
36 THE ADVERTISEMENT OF THE INTERNET DIRECTORY ESTABLISHED PURSUANT TO THIS
37 SECTION, INCLUDING BUT NOT LIMITED TO THE LISTING OF SUCH WEBSITE
38 ADDRESS ON ITS RECORDED MESSAGE FOR THE SPECIAL TELEPHONE NUMBER, AND
39 THE POSTING OF A LINK TO SUCH INTERNET DIRECTORY ON THE OFFICIAL WEBSITE
40 OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES.

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

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

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

1 S 169-T. ANNUAL REPORT. THE DIVISION SHALL, ON OR BEFORE THE FIRST OF
2 SEPTEMBER IN EACH YEAR, FILE A REPORT WITH THE GOVERNOR, THE TEMPORARY
3 PRESIDENT OF THE SENATE, THE SPEAKER OF THE STATE ASSEMBLY, THE CHAIR OF
4 THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILI-
5 TARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON
6 GOVERNMENTAL OPERATIONS, DETAILING THE NEW YORK STATE TERRORIST REGISTRY
7 PROGRAM ESTABLISHED BY THIS ARTICLE, THE DIVISION'S EXPERIENCE CONCERN-
8 ING COMPLIANCE WITH PROVISIONS OF THIS ARTICLE, AND THE DIVISION'S EXPE-
9 RIENCE CONCERNING THE EFFECTIVENESS OF THIS ARTICLE, TOGETHER WITH ANY
10 RECOMMENDATIONS THE DIVISION MAY HAVE TO FURTHER ENHANCE THE INTENT OF
11 THIS ARTICLE.

12 S 169-U. PENALTY. ANY TERRORIST REQUIRED TO REGISTER, OR TO PROVIDE
13 INFORMATION OR SUPPLEMENTAL INFORMATION, OR VERIFICATION, PURSUANT TO
14 THE PROVISIONS OF THIS ARTICLE, OR WHO FAILS TO REGISTER OR TO PROVIDE
15 INFORMATION, OR SUPPLEMENTAL INFORMATION, OR VERIFICATION, IN THE MANNER
16 AND WITHIN THE TIME PERIODS PROVIDED FOR IN THIS ARTICLE, SHALL BE GUIL-
17 TY OF A CLASS A-I FELONY, PURSUANT TO SECTION 490.23 OF THE PENAL LAW.
18 ANY SUCH FAILURE TO REGISTER OR TO PROVIDE INFORMATION, OR SUPPLEMENTAL
19 INFORMATION, OR VERIFICATION, PURSUANT TO THE PROVISIONS OF THIS ARTI-
20 CLE, MAY ALSO BE THE BASIS FOR REVOCATION OF PAROLE PURSUANT TO SECTION
21 TWO HUNDRED FIFTY-NINE-I OF THE EXECUTIVE LAW, OR THE BASIS FOR REVOCA-
22 TION OF PROBATION PURSUANT TO ARTICLE FOUR HUNDRED TEN OF THIS CHAPTER.

23 S 169-V. UNAUTHORIZED RELEASE OF INFORMATION. THE UNAUTHORIZED RELEASE
24 OF ANY INFORMATION CONTAINED IN THE NEW YORK STATE TERRORIST REGISTRY
25 SHALL BE A CLASS B MISDEMEANOR.

26 S 169-W. EXPENSES INCURRED BY GOVERNMENTAL ENTITIES. 1. LOCAL GOVERN-
27 MENTS. ANY LOCAL GOVERNMENT, WHICH HAS INCURRED ANY COST FOR COMPLIANCE
28 WITH THE PROVISIONS OF THIS ARTICLE, MAY MAKE AN APPLICATION TO THE
29 STATE COMPTROLLER FOR REIMBURSEMENT OF SUCH COST. APPLICATION FOR
30 REIMBURSEMENT FOR SUCH COST INCURRED SHALL BE IN THE FORM AND MANNER AS
31 REQUIRED BY THE STATE COMPTROLLER. THE STATE COMPTROLLER SHALL PAY SUCH
32 A LOCAL GOVERNMENT, WHICH HAS MADE AN APPLICATION FOR A COST, WHICH HAS
33 BEEN VERIFIED BY THE STATE COMPTROLLER AS HAVING BEEN INCURRED BY THE
34 LOCAL GOVERNMENT, FROM THE TERRORIST REGISTRY FUNDS MANAGEMENT ACCOUNT,
35 ESTABLISHED PURSUANT TO SECTION NINETY-SEVEN-AAAA OF THE STATE FINANCE
36 LAW, FOLLOWING APPROPRIATION BY THE LEGISLATURE AND ALLOCATION BY THE
37 DIRECTOR OF THE BUDGET.

38 2. STATE AGENCY. ANY STATE AGENCY, WHICH HAS INCURRED ANY COST FOR
39 COMPLIANCE WITH THE PROVISIONS OF THIS ARTICLE, MAY MAKE AN APPLICATION
40 TO THE STATE COMPTROLLER AND THE DIRECTOR OF THE BUDGET, FOR AN INCREASE
41 IN SUCH STATE AGENCY'S BUDGET, IN DIRECT RELATION TO SUCH COST SO
42 INCURRED. APPLICATION FOR AN INCREASE IN SUCH STATE AGENCY'S BUDGET, IN
43 DIRECT RELATION TO SUCH COST INCURRED, SHALL BE IN THE FORM AND MANNER
44 AS REQUIRED BY THE DIRECTOR OF THE BUDGET AND THE STATE COMPTROLLER. THE
45 STATE COMPTROLLER SHALL VERIFY WHETHER THE COST HAS BEEN SO INCURRED BY
46 THE STATE AGENCY. ANY INCREASE IN SUCH STATE AGENCY'S BUDGET, AS AUTHOR-
47 IZED BY THIS SUBDIVISION, SHALL BE IN DIRECT RELATION TO SUCH COST
48 INCURRED BY SUCH STATE AGENCY, AND SHALL BE CHARGED FROM THE TERRORIST
49 REGISTRY FUNDS MANAGEMENT ACCOUNT, ESTABLISHED PURSUANT TO SECTION NINE-
50 TY-SEVEN-AAAA OF THE STATE FINANCE LAW, FOLLOWING APPROPRIATION BY THE
51 LEGISLATURE AND ALLOCATION BY THE DIRECTOR OF THE BUDGET.

52 3. NOTIFICATION OF THE GOVERNOR AND THE LEGISLATURE. NOT LATER THAN
53 THE FIRST DAY OF MARCH, THE STATE COMPTROLLER AND THE DIRECTOR OF THE
54 BUDGET SHALL NOTIFY THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE,
55 AND THE SPEAKER OF THE ASSEMBLY, OF THE FISCAL AMOUNTS REQUESTED IN
56 APPLICATIONS FOR REIMBURSEMENT FOR COSTS INCURRED BY LOCAL GOVERNMENTS

1 UNDER THIS SECTION, AND THE FISCAL AMOUNTS OF APPLICATIONS FOR INCREASES
2 IN STATE AGENCIES' BUDGETS UNDER THIS SECTION, DURING THE PREVIOUS
3 TWELVE MONTHS, WITH SUCH NOTIFICATION IDENTIFYING THE LOCAL GOVERNMENTS
4 AND THE STATE AGENCIES THAT HAVE MADE SUCH APPLICATIONS.

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

9 S 5. The penal law is amended by adding a new section 490.23 to read
10 as follows:

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

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

20 FAILURE TO REGISTER OR VERIFY WITH THE NEW YORK STATE TERRORIST REGIS-
21 TRY IS A CLASS A-I FELONY.

22 S 6. The state finance law is amended by adding a new section 97-aaaa
23 to read as follows:

24 S 97-AAAA. TERRORIST REGISTRY FUNDS MANAGEMENT ACCOUNT. 1. THERE IS
25 HEREBY ESTABLISHED IN THE JOINT CUSTODY OF THE STATE COMPTROLLER AND THE
26 COMMISSIONER OF THE DEPARTMENT OF TAXATION AND FINANCE A FUND TO BE
27 KNOWN AS THE "TERRORIST REGISTRY FUNDS MANAGEMENT ACCOUNT".

28 2. THE TERRORIST REGISTRY FUND MANAGEMENT ACCOUNT SHALL CONSIST OF:

29 (A) MONIES RECEIVED BY THE STATE PURSUANT TO ARTICLE SIX-D OF THE
30 CORRECTION LAW;

31 (B) MONIES RECEIVED BY THE STATE AND DIRECTED TO BE PAID TO THE
32 ACCOUNT UPON ORDER OF ANY COURT OF:

33 (I) THE UNIFIED COURT SYSTEM OF THE STATE OF NEW YORK;

34 (II) THE FEDERAL COURT SYSTEM OF THE UNITED STATES; AND/OR

35 (III) THE GOVERNMENT OF THE UNITED STATES OPERATING UNDER THE UNIFORM
36 CODE OF MILITARY JUSTICE, AND

37 (C) ALL OTHER MONIES, FEES, FINES, GRANTS, BEQUESTS OR OTHER MONIES
38 CREDITED, APPROPRIATED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR
39 SOURCE.

40 3. MONIES OF THE TERRORIST REGISTRY FUNDS MANAGEMENT ACCOUNT, FOLLOW-
41 ING APPROPRIATION BY THE LEGISLATURE AND ALLOCATION BY THE DIRECTOR OF
42 THE BUDGET, SHALL BE MADE AVAILABLE FOR LOCAL GOVERNMENTS AND STATE
43 AGENCIES PROVIDING SERVICES PURSUANT TO ARTICLE SIX-D OF THE CORRECTION
44 LAW.

45 S 7. This act shall take effect on the first of November next succeed-
46 ing the date on which it shall have become a law.