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

5234

2015-2016 Regular Sessions

I N S E N A T E

May 8, 2015

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

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

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

Section 1. Subdivision 1 of section 168-p of the correction law, as amended by chapter 361 of the laws of 2004, is amended to read as follows:

1. Pursuant to section one hundred sixty-eight-b of this article, the division shall also operate a telephone number that members of the public may call free of charge and inquire whether [a named individual] UP TO FIVE NAMED INDIVIDUALS required to register pursuant to this article [is] ARE listed. The division shall ascertain whether [a] SUCH named [person] PERSONS reasonably [appears] APPEAR to be [a person] SUCH PERSONS so listed and provide the caller with the relevant information according to risk as described in subdivision six of section one hundred sixty-eight-l of this article. The division shall decide whether [the] SUCH named [person] PERSONS reasonably [appears] APPEAR to be [a person] SUCH PERSONS listed, based upon information from the caller providing information that shall include (a) an exact street address, including apartment number, driver's license number or birth date, along with additional information that may include social security number, hair color, eye color, height, weight, distinctive markings, ethnicity; or (b) any combination of the above listed characteristics if an exact birth date or address is not available. If three of the characteristics provided include ethnicity, hair color, and eye color, other identifying characteristics shall be provided. ANY INCORRECT IDENTIFYING CHARACTERISTICS PROVIDED BY THE CALLER WILL NOT PROHIBIT THE CALLER FROM INQUIRING FURTHER AS TO THE PERSON'S IDENTITY WITH ADDITIONAL IDENTIFYING

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

LBD02439-02-5

INFORMATION DURING THE SAME CALL. Any information identifying the victim by name, birth date, address or relation to the person listed by the division shall be excluded by the division.

S 2. Paragraphs (a) and (b) of subdivision 2-a of section 168-p of the correction law, as added by chapter 361 of the laws of 2004, are amended to read as follows:

(a) The division shall establish a program allowing non-profit and not-for-profit youth services organizations to pre-register with the division for use of the telephone number. Pre-registration shall include the identification of up to two officials of the organization who may call the telephone number OR MAKE AN INQUIRY IN WRITING, and obtain information on behalf of the organization. A pre-registered certificate issued under this subdivision shall be valid for two years, unless earlier revoked by the division for good cause shown. No fee shall be charged to an applicant for the issuance of a pre-registered certificate pursuant to this subdivision.

(b) An organization granted a pre-registered certificate pursuant to this subdivision may, upon calling the telephone number, inquire whether multiple named individuals are listed on the sex offender registry. Notwithstanding any per call limitation the division may place on calls by private individuals, the division shall allow such pre-registered organizations to inquire about up to twenty prospective coaches, leaders or volunteers in each call to the telephone number. IF REGISTRATION VERIFICATION IS REQUESTED IN WRITING, THE DIVISION SHALL RESPOND WITHIN FIVE DAYS FOR REQUESTS OF UP TO FIFTY NAMED INDIVIDUALS.

S 3. Subdivision 1 of section 168-q of the correction law, as amended by chapter 462 of the laws of 2014, is amended to read as follows:

1. The division shall maintain a subdirectory of level two and three sex offenders. The subdirectory shall include the exact address, address of the offender's place of employment and photograph of the sex offender along with the following information, if available: name, physical description, age and distinctive markings. Background information including all of the sex offender's crimes of conviction that require him or her to register pursuant to this article, modus of operation, type of victim targeted, the name and address of any institution of higher education at which the sex offender is enrolled, attends, is employed or resides and a description of special conditions imposed on the sex offender shall also be included. FURTHER, THE SUBDIRECTORY SHALL INCLUDE THE LAST KNOWN DATE THE OFFENDER'S ADDRESS, PLACE OF EMPLOYMENT AND PHOTOGRAPH WERE OBTAINED. The subdirectory shall have sex offender listings categorized by county and zip code. Such subdirectory shall be made available at all times on the internet via the division homepage. Any person may apply to the division to receive automated e-mail notifications whenever a new or updated subdirectory registration occurs in a geographic area specified by such person. The division shall furnish such service at no charge to such person, who shall request e-mail notification by county and/or zip code on forms developed and provided by the division. E-mail notification is limited to three geographic areas per e-mail account.

(A) IF THE OFFENDER DOES NOT REPORT AN EMPLOYMENT ADDRESS, THE DIVISION SHALL USE THE LANGUAGE, "NONE CURRENTLY REPORTED" IN THE SUBDIRECTORY UNDER THE EMPLOYMENT ADDRESS FIELD.

(B) FOR A SEX OFFENDER WHO HAS BEEN CONVICTED OF AN OFFENSE WHICH REQUIRES REGISTRATION UNDER PARAGRAPH (D) OF SUBDIVISION TWO OR PARAGRAPH (B) OF SUBDIVISION THREE OF SECTION ONE HUNDRED SIXTY-EIGHT-A OF THIS ARTICLE, THE DIVISION SHALL INCLUDE THE OFFENSE FOR WHICH THE SEX

OFFENDER WAS CONVICTED IN ANY OTHER JURISDICTION. THE SUBDIRECTORY FIELD CONVICTION CHARGES SHALL INCLUDE, BUT SHALL NOT BE LIMITED TO, THE TITLE, SECTION, SUBSECTION, CLASS, CATEGORY AND DEGREE OF OFFENSE FOR WHICH THE SEX OFFENDER WAS CONVICTED IN ANY OTHER JURISDICTION.

S 4. Subdivision 4 of section 168-f of the correction law, as amended by chapter 67 of the laws of 2008, is amended to read as follows:

4. Any sex offender shall register with the division no later than [ten] THREE calendar days after any change of address, internet accounts with internet access providers belonging to such offender, internet identifiers that such offender uses, or his or her status of enrollment, attendance, employment or residence at any institution of higher education. A fee of ten dollars, as authorized by subdivision eight of section one hundred sixty-eight-b of this article, shall be submitted by the sex offender each time such offender registers any change of address or any change of his or her status of enrollment, attendance, employment or residence at any institution of higher education. Any failure or omission to submit the required fee shall not affect the acceptance by the division of the change of address or change of status.

S 5. Subdivision 6 of section 168-f of the correction law, as added by chapter 11 of the laws of 2002, is amended to read as follows:

6. Any nonresident worker or nonresident student, as defined in subdivisions fourteen and fifteen of section one hundred sixty-eight-a of this article, shall register his or her current address and the address of his or her place of employment or educational institution attended with the division within [ten] THREE calendar days after such nonresident worker or nonresident student commences employment or attendance at an educational institution in the state. Any nonresident worker or nonresident student shall notify the division of any change of residence, employment or educational institution address no later than [ten] THREE days after such change. The division shall notify the law enforcement agency where the nonresident worker is employed or the educational institution is located that a nonresident worker or nonresident student is present in that agency's jurisdiction.

S 6. Subdivision 1 of section 168-k of the correction law, as amended by chapter 146 of the laws of 2004, is amended to read as follows:

1. A sex offender who has been convicted of an offense which requires registration under paragraph (d) of subdivision two or paragraph (b) of subdivision three of section one hundred sixty-eight-a of this article shall notify the division of the new address no later than [ten] THREE calendar days after such sex offender establishes residence in this state.

S 7. This act shall take effect immediately.