

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:

1 Section 1. Subdivision 1 of section 168-p of the correction law, as  
2 amended by chapter 361 of the laws of 2004, is amended to read as  
3 follows:  
4 1. Pursuant to section one hundred sixty-eight-b of this article, the  
5 division shall also operate a telephone number that members of the  
6 public may call free of charge and inquire whether [a named individual]  
7 UP TO FIVE NAMED INDIVIDUALS required to register pursuant to this arti-  
8 cle [is] ARE listed. The division shall ascertain whether [a] SUCH named  
9 [person] PERSONS reasonably [appears] APPEAR to be [a person] SUCH  
10 PERSONS so listed and provide the caller with the relevant information  
11 according to risk as described in subdivision six of section one hundred  
12 sixty-eight-1 of this article. The division shall decide whether [the]  
13 SUCH named [person] PERSONS reasonably [appears] APPEAR to be [a person]  
14 SUCH PERSONS listed, based upon information from the caller providing  
15 information that shall include (a) an exact street address, including  
16 apartment number, driver's license number or birth date, along with  
17 additional information that may include social security number, hair  
18 color, eye color, height, weight, distinctive markings, ethnicity; or  
19 (b) any combination of the above listed characteristics if an exact  
20 birth date or address is not available. If three of the characteristics  
21 provided include ethnicity, hair color, and eye color, other identifying  
22 characteristics shall be provided. ANY INCORRECT IDENTIFYING CHARACTER-  
23 ISTICS PROVIDED BY THE CALLER WILL NOT PROHIBIT THE CALLER FROM INQUIR-  
24 ING 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.

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

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

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

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

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

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

50 (A) IF THE OFFENDER DOES NOT REPORT AN EMPLOYMENT ADDRESS, THE DIVI-  
51 SION SHALL USE THE LANGUAGE, "NONE CURRENTLY REPORTED" IN THE SUBDIREC-  
52 TORY UNDER THE EMPLOYMENT ADDRESS FIELD.

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

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

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

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

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

21 6. Any nonresident worker or nonresident student, as defined in subdi-  
22 visions fourteen and fifteen of section one hundred sixty-eight-a of  
23 this article, shall register his or her current address and the address  
24 of his or her place of employment or educational institution attended  
25 with the division within [ten] THREE calendar days after such nonresi-  
26 dent worker or nonresident student commences employment or attendance at  
27 an educational institution in the state. Any nonresident worker or  
28 nonresident student shall notify the division of any change of resi-  
29 dence, employment or educational institution address no later than [ten]  
30 THREE days after such change. The division shall notify the law enforce-  
31 ment agency where the nonresident worker is employed or the educational  
32 institution is located that a nonresident worker or nonresident student  
33 is present in that agency's jurisdiction.

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

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

42 S 7. This act shall take effect immediately.