

6129--C

2015-2016 Regular Sessions

I N A S S E M B L Y

March 16, 2015

Introduced by M. of A. DenDEKKER -- read once and referred to the Committee on Governmental Operations -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Governmental Operations in accordance with Assembly Rule 3, sec. 2 -- 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.
12 2. UPON REQUEST, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL
13 FURTHER REGULARLY SUPPLEMENT THE INFORMATION PROVIDED PURSUANT TO SUBDI-
14 VISION ONE OF THIS SECTION, SO AS TO DELIVER ANY NEW, DIFFERENT OR ADDI-
15 TIONAL INFORMATION NOT PREVIOUSLY PROVIDED TO THE DIVISION OF HOMELAND
16 SECURITY AND EMERGENCY SERVICES.
17 3. THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES SHALL
18 PROVIDE THE DIVISION OF CRIMINAL JUSTICE SERVICES WITH ANY AND ALL

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

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1 INFORMATION THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL REQUIRE, IN
2 ORDER TO MAINTAIN AN ACCURATE AND COMPLETE REGISTRATION OF TERRORISTS
3 PURSUANT TO ARTICLE SIX-D OF THE CORRECTION LAW, AND THE PROVISION OF
4 SUCH INFORMATION SHALL BE IN THE FORM AND MANNER AS THE DIVISION OF
5 CRIMINAL JUSTICE SERVICES SHALL SO REQUEST.

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

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

14 2. UPON REQUEST, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL
15 FURTHER REGULARLY SUPPLEMENT THE INFORMATION PROVIDED PURSUANT TO SUBDI-
16 VISION ONE OF THIS SECTION, SO AS TO DELIVER ANY NEW, DIFFERENT, OR
17 ADDITIONAL INFORMATION NOT PREVIOUSLY PROVIDED TO THE DIVISION OF STATE
18 POLICE.

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

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

28 ARTICLE 6-D
29 TERRORIST REGISTRY

- 30 SECTION 169-A. LEGISLATIVE FINDINGS.
- 31 169-B. DEFINITIONS.
- 32 169-C. DUTIES OF THE DIVISION.
- 33 169-D. REGISTRATION INFORMATION.
- 34 169-E. REGISTRANT NOTIFICATION; STANDARDIZED REGISTRATION AND
- 35 VERIFICATION FORMS.
- 36 169-F. EXAMINATION OF POTENTIAL REGISTRANTS.
- 37 169-G. INITIAL ASSEMBLY OF THE REGISTRY.
- 38 169-H. REGISTRATION AND VERIFICATION OF TERRORISTS.
- 39 169-I. DUTIES OF THE COURT.
- 40 169-J. RESPONSIBILITIES OF A CONFINEMENT ENTITY PRIOR TO
- 41 DISCHARGE OF A TERRORIST.
- 42 169-K. RESPONSIBILITIES DURING COMMUNITY SUPERVISION OR
- 43 PROBATION.
- 44 169-L. DURATION OF REGISTRATION AND VERIFICATION.
- 45 169-M. NOTIFICATION OF CHANGE OF ADDRESS.
- 46 169-N. REGISTRY INFORMATION SHARING.
- 47 169-O. DNA AND FINGERPRINT CUSTODY AND ANALYSIS.
- 48 169-P. REGISTRY AND VERIFICATION FEES.
- 49 169-Q. SPECIAL TELEPHONE NUMBER.
- 50 169-R. INTERNET DIRECTORY.
- 51 169-S. IMMUNITY FROM LIABILITY.
- 52 169-T. ANNUAL REPORT.
- 53 169-U. PENALTY.
- 54 169-V. UNAUTHORIZED RELEASE OF INFORMATION.
- 55 169-W. EXPENSES INCURRED BY GOVERNMENTAL ENTITIES.
- 56 169-X. SEPARABILITY.

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

4 THE LEGISLATURE ADDITIONALLY FINDS AND DETERMINES, THAT IT IS THE
5 FIRST RESPONSIBILITY OF ANY GOVERNMENT TO PROVIDE FOR THE PUBLIC
6 PROTECTION AND SAFETY OF ITS CITIZENS, AND THAT IN ORDER TO ASSURE SUCH
7 PUBLIC PROTECTION AND SAFETY, NEW YORK MUST TAKE ACTIVE STEPS TO ADVANCE
8 A PROGRAM OF PREVENTION OF, RESPONSE TO, AND RECOVERY FROM, TERRORIST
9 ATTACKS.

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

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

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

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

29 2. "TERRORIST OFFENSE" MEANS ANY OFFENSE:

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

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

34 (C) SET FORTH IN SECTIONS 32, 37, 81, 175, 175B, 229, 351, 831, 844
35 (F), 844 (I), 930 (C), 956, 1038, 1114, 1116, 1203, 1362, 1363, 1366,
36 1751, 1992, 1993, 2155, 2280, 2281, 2332, 2332A, 2332B, 2332C, 2332D,
37 2332E, 2332F, 2332G, 2332H, 2339, 2339A, 2339B, 2339C, AND/OR 2339D OF
38 TITLE 18 OF THE UNITED STATES CODE;

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

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

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

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

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

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

55 (C) SUBJECT TO AN ORDER OF DETENTION BY THE ARMED FORCES OF THE UNITED
56 STATES, ANY OTHER GOVERNMENT AGENCY OF THE UNITED STATES, OR ANY

1 CONTRACTOR OF THE GOVERNMENT OF THE UNITED STATES THAT IS AUTHORIZED BY
2 THE GOVERNMENT OF THE UNITED STATES TO MAKE SUCH DETENTIONS, UPON A
3 DETERMINATION THAT SUCH PERSON WAS AT ANY TIME, A FOREIGN ENEMY COMBA-
4 TANT OR AN ILLEGAL ENEMY COMBATANT;

5 (D) DEPORTED OR TRANSPORTED, TO A COUNTRY, OTHER THAN THE UNITED
6 STATES, BY THE GOVERNMENT OF THE UNITED STATES, OR ANY DEPARTMENT OR
7 AGENCY THEREOF, UPON A DETERMINATION OF INVOLVEMENT IN TERRORIST ACTIV-
8 ITIES, OR THE HARBORING, SUPPORT AND/OR PROMOTION OF TERRORISTS OR
9 TERRORIST ACTIVITIES; OR

10 (E) DESIGNATED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY,
11 THE UNITED STATES DEPARTMENT OF STATE, THE UNITED STATES DEPARTMENT OF
12 JUSTICE, THE UNITED STATES DEPARTMENT OF DEFENSE OR ANY OF ITS ARMED
13 SERVICES, THE UNITED STATES CENTRAL INTELLIGENCE AGENCY, AND/OR THE
14 OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, AS A PERSON WHO HAS
15 COMMITTED A TERRORIST ACT AGAINST THE UNITED STATES OR ANY OF ITS CITI-
16 ZENS, AND/OR WHO IS A MEMBER OF A DESIGNATED TERRORIST ORGANIZATION
17 PURSUANT TO SECTION 1189 OF TITLE 8 OF THE UNITED STATES CODE.

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

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

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

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

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

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

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

38 7. "DEPARTMENT" MEANS THE DEPARTMENT OF CORRECTIONS AND COMMUNITY
39 SUPERVISION, AS DEFINED IN SUBDIVISION ONE OF SECTION TWO, AND SECTION
40 FIVE, OF THIS CHAPTER.

41 8. "OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES" MEANS THE
42 OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES AS DESCRIBED IN
43 SECTION TWO HUNDRED FORTY OF THE EXECUTIVE LAW.

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

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

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

54 12. "INTERNET ACCESS PROVIDER" MEANS ANY BUSINESS, ORGANIZATION OR
55 OTHER ENTITY ENGAGED IN THE BUSINESS OF PROVIDING A COMPUTER AND COMMU-

1 NICATIONS FACILITY THROUGH WHICH A CUSTOMER MAY OBTAIN ACCESS TO THE
2 INTERNET.

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

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

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

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

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

23 18. "CONFINEMENT ENTITY" MEANS THE DEPARTMENT, OR ANY OTHER OFFICE,
24 AGENCY, GOVERNMENT, CORPORATION OR OTHER INSTITUTION WHICH MAINTAINS THE
25 CORRECTIONAL FACILITY, HOSPITAL, LOCAL CORRECTIONAL FACILITY, OR ANY
26 OTHER SIMILAR TYPE OF SECURE FACILITY, AT WHICH A TERRORIST, AS DEFINED
27 IN SUBDIVISION ONE OF THIS SECTION, IS CONFINED.

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

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

40 3. INITIAL ASSEMBLY OF THE REGISTRY. THE DIVISION, PURSUANT TO SECTION
41 ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE, SHALL CONDUCT EXAMINATIONS TO
42 DETERMINE WHAT TERRORISTS SHALL BE INITIALLY ADDED TO THE REGISTRY, AND
43 UPON SUCH EXAMINATIONS AND DETERMINATIONS, IN ACCORDANCE WITH SECTION
44 ONE HUNDRED SIXTY-NINE-G OF THIS ARTICLE, SHALL ADD SUCH TERRORISTS TO
45 THE NEW YORK STATE TERRORIST REGISTRY.

46 4. EXAMINATIONS OF POTENTIAL REGISTRANTS. THE DIVISION, IN ACCORDANCE
47 WITH SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE, SHALL MAKE REGU-
48 LAR EXAMINATIONS TO DETERMINE WHAT TERRORISTS SHALL BE ADDED TO THE
49 REGISTRY.

50 5. STANDARDIZED REGISTRATION INFORMATION FORM, PERSONALIZED REGISTRA-
51 TION INFORMATION FORM AND STANDARDIZED REGISTRATION FORM. THE DIVISION
52 SHALL DEVELOP A STANDARDIZED REGISTRATION INFORMATION FORM, A PERSONAL-
53 IZED REGISTRATION INFORMATION FORM AND A STANDARDIZED REGISTRATION FORM,
54 PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

55 6. STANDARDIZED VERIFICATION INFORMATION FORM, PERSONALIZED VERIFICA-
56 TION FORM AND STANDARDIZED VERIFICATION FORM. THE DIVISION SHALL DEVELOP

1 A STANDARDIZED VERIFICATION INFORMATION FORM, A PERSONALIZED VERIFICA-
2 TION FORM AND A STANDARDIZED VERIFICATION FORM, PURSUANT TO SECTION ONE
3 HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

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

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

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

16 10. SECURE INFORMATION. THE DIVISION, PURSUANT TO SECTION ONE HUNDRED
17 SIXTY-NINE-N OF THIS ARTICLE, IN CONSULTATION WITH THE DIVISION OF HOME-
18 LAND SECURITY AND EMERGENCY SERVICES AND THE DIVISION OF STATE POLICE,
19 SHALL REVIEW THE INFORMATION CONTAINED ON THE REGISTRY, AND SHALL DETER-
20 MINE WHETHER THE DISCLOSURE OF ANY PARTICULAR INFORMATION CONTAINED ON
21 THE REGISTRY MAY CAUSE A SECURITY RISK TO THE PEOPLE OR PROPERTY OF THE
22 STATE OF NEW YORK, AND UPON SUCH DETERMINATION THAT SUCH PARTICULAR
23 INFORMATION NEEDS TO BE DEEMED SECURE, THE DIVISION SHALL REMOVE SUCH
24 SECURE INFORMATION FROM PUBLIC ACCESSIBILITY.

25 11. DNA CUSTODY AND ANALYSIS. THE DIVISION, PURSUANT TO SECTION ONE
26 HUNDRED SIXTY-NINE-O OF THIS ARTICLE, SHALL PROVIDE FOR THE SECURE,
27 CUSTODIAL TRANSFER OF THE DNA SAMPLE COLLECTED FROM THE REGISTRANT, FOR
28 THE PRESERVATION, STORAGE AND ANALYSIS OF SUCH DNA SAMPLE, AND SHALL
29 FURTHER PROVIDE FOR THE SUBSEQUENT SECURE CUSTODIAL TRANSFER OF THE DNA
30 SAMPLE, AND/OR THE ANALYSIS PRODUCED THEREFROM, TO THE STATE DNA IDEN-
31 TIFICATION INDEX, MAINTAINED PURSUANT TO SECTION NINE HUNDRED
32 NINETY-FIVE-C OF THE EXECUTIVE LAW.

33 12. FINGERPRINT CUSTODY AND ANALYSIS. THE DIVISION, PURSUANT TO
34 SECTION ONE HUNDRED SIXTY-NINE-O OF THIS ARTICLE, SHALL PROVIDE FOR THE
35 SECURE, CUSTODIAL TRANSFER OF THE FINGERPRINTS COLLECTED FROM THE REGIS-
36 TRANT, TO THE LABORATORY MAINTAINED BY THE DIVISION OF STATE POLICE, OR
37 ANOTHER APPROVED FINGERPRINT ANALYSIS ENTITY AS CONTRACTED WITH BY THE
38 DIVISION, FOR THE PRESERVATION, STORAGE AND ANALYSIS OF SUCH FINGER-
39 PRINTS.

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

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

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

51 S 169-D. REGISTRATION INFORMATION. THE DIVISION, PURSUANT TO SUBDIVI-
52 SION ONE OF SECTION ONE HUNDRED SIXTY-NINE-C OF THIS ARTICLE, SHALL
53 ESTABLISH AND MAINTAIN AN INFORMATION FILE ON ALL TERRORISTS REQUIRED TO
54 REGISTER PURSUANT TO THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-NINE-H
55 OF THIS ARTICLE, WHICH SHALL BE KNOWN AS THE NEW YORK STATE TERRORIST

1 REGISTRY, AND WHICH SHALL INCLUDE THE FOLLOWING INFORMATION ON EACH SUCH
2 REGISTRANT:

3 1. PERSONAL INFORMATION, INCLUDING:

4 (A) THE TERRORIST'S NAME;

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

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

7 (D) THE SEX OF THE TERRORIST;

8 (E) THE RACE OF THE TERRORIST;

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

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

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

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

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

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

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

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

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

28 2. FORENSIC INFORMATION, INCLUDING:

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

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

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

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

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

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

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

53 (C) A COMPLETE DESCRIPTION OF EACH AND EVERY CONSEQUENCE OF THE INCI-
54 DENT AND ITS SURROUNDING EVENTS FOR WHICH THE TERRORIST WAS CONVICTED,
55 DETAINED, DEPORTED, TRANSPORTED, OR DESIGNATED, INCLUDING EACH AND EVERY

1 SENTENCE, FINE, PUNISHMENT AND/OR SANCTION IMPOSED AS A RESULT OF THE
2 INCIDENT; AND
3 (D) THE DATE OF EACH AND EVERY CONVICTION, DETAINMENT, DEPORTATION,
4 TRANSPORTATION, AND/OR DESIGNATION THAT OCCURRED AS A RESULT OF THE
5 INCIDENT, AND EACH AND EVERY SENTENCE, FINE, PUNISHMENT AND/OR SANCTION
6 IMPOSED AS A RESULT OF THE INCIDENT;
7 4. EMPLOYMENT INFORMATION OF THE TERRORIST, INCLUDING:
8 (A) IN THE CASE OF A TERRORIST WHO IS EMPLOYED, OR WHO EXPECTS TO BE
9 EMPLOYED:
10 (I) THE NAME AND ADDRESS OF THE TERRORIST'S CURRENT OR EXPECTED
11 EMPLOYER;
12 (II) A COMPLETE DESCRIPTION OF THE TERRORIST'S EMPLOYMENT DUTIES, WORK
13 LOCATIONS, JOB TITLES AND TOOLS AND MATERIALS UTILIZED DURING THE COURSE
14 OF EMPLOYMENT; AND
15 (III) A COMPLETE LIST OF THE TERRORIST'S SUPERVISORS; AND
16 (B) IN THE CASE OF A TERRORIST WHO IS A STUDENT, OR WHO EXPECTS TO BE
17 A STUDENT:
18 (I) THE NAME AND ADDRESS OF THE TERRORIST'S EDUCATIONAL INSTITUTION OR
19 EXPECTED EDUCATIONAL INSTITUTION;
20 (II) A COMPLETE DESCRIPTION OF THE TERRORIST'S CLASSES TAKEN, OR
21 EXPECTED TO BE TAKEN, CLASSROOM LOCATIONS, AND EDUCATIONAL CREDITS; AND
22 (III) A COMPLETE LIST OF THE TERRORIST'S PROFESSORS.
23 5. SUPPLEMENTAL AND VERIFICATION INFORMATION OF THE TERRORIST, INCLUD-
24 ING:
25 (A) AN ANNUAL UPDATE OF THE TERRORIST'S PHOTOGRAPH; AND
26 (B) ANY OTHER ADDITIONAL AND FURTHER INFORMATION DEEMED PERTINENT BY
27 THE DIVISION.
28 S 169-E. REGISTRANT NOTIFICATION; STANDARDIZED REGISTRATION AND
29 VERIFICATION FORMS. 1. REGISTRATION PACKET. THE DIVISION SHALL CREATE A
30 NON-FORWARDABLE REGISTRATION PACKET, WHICH SHALL CONSIST OF A STANDARD-
31 IZED REGISTRATION INFORMATION FORM, A PERSONALIZED REGISTRATION INFORMA-
32 TION FORM, AND A STANDARDIZED REGISTRATION FORM.
33 2. STANDARDIZED REGISTRATION INFORMATION FORM. THE DIVISION SHALL
34 CREATE A STANDARDIZED REGISTRATION INFORMATION FORM, IN CLEAR AND
35 CONCISE LANGUAGE, WITH THE PURPOSE OF PROVIDING INFORMATION TO EVERY
36 TERRORIST, REQUIRED TO REGISTER WITH THE NEW YORK STATE TERRORIST REGIS-
37 TRY, ON THE FOLLOWING:
38 (A) DUTY AND OBLIGATION TO REGISTER. THE STANDARDIZED REGISTRATION
39 INFORMATION FORM SHALL PROVIDE INFORMATION CONCERNING THE REGISTRANT'S
40 DUTY AND OBLIGATION TO REGISTER WITH THE DIVISION;
41 (B) FURTHER DUTIES AND OBLIGATIONS OF REGISTRANTS. THE STANDARDIZED
42 REGISTRATION 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 REGISTRATION 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 REGISTER IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE,
49 INCLUDING:
50 (I) DETAILED DIRECTIONS AND INFORMATION AS TO HOW TO COMPLETE THE
51 STANDARDIZED REGISTRATION FORM;
52 (II) DETAILED DIRECTIONS AND INFORMATION AS TO HOW THE REGISTRANT MUST
53 APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, AS WELL AS
54 INFORMATION CONCERNING THE REGISTRANT'S REQUIREMENT TO PROVIDE HIS OR
55 HER PHOTOGRAPH, FINGERPRINTS AND A DNA SAMPLE TO SUCH LAW ENFORCEMENT
56 AGENCY; AND

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

5 3. PERSONALIZED REGISTRATION INFORMATION FORM. THE DIVISION SHALL
6 CREATE A PERSONALIZED REGISTRATION INFORMATION FORM, IN CLEAR AND
7 CONCISE LANGUAGE, WITH THE PURPOSE OF PROVIDING INFORMATION TO EVERY
8 TERRORIST REQUIRED TO REGISTER WITH THE NEW YORK STATE TERRORIST REGIS-
9 TRY WITH DETAILED DIRECTIONS AND INFORMATION AS TO WHERE THE REGISTRANT
10 MUST APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, WHICH
11 SHALL SPECIFY THE ADDRESS, TELEPHONE NUMBER AND DESIGNATED CONTACT
12 PERSON OF SUCH LAW ENFORCEMENT AGENCY.

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

18 5. VERIFICATION PACKET. THE DIVISION SHALL CREATE A NON-FORWARDABLE
19 VERIFICATION PACKET, WHICH SHALL CONSIST OF A STANDARDIZED VERIFICATION
20 INFORMATION FORM, A PERSONALIZED VERIFICATION INFORMATION FORM, AND A
21 STANDARDIZED VERIFICATION FORM.

22 6. STANDARDIZED VERIFICATION INFORMATION FORM. THE DIVISION SHALL
23 CREATE A STANDARDIZED VERIFICATION INFORMATION FORM, IN CLEAR AND
24 CONCISE LANGUAGE, WITH THE PURPOSE OF PROVIDING INFORMATION TO EVERY
25 TERRORIST, REQUIRED TO REGISTER WITH THE NEW YORK STATE TERRORIST REGIS-
26 TRY, ON THE FOLLOWING:

27 (A) DUTY AND OBLIGATION TO PROVIDE VERIFICATION. THE STANDARDIZED
28 VERIFICATION INFORMATION FORM SHALL PROVIDE INFORMATION CONCERNING THE
29 REGISTRANT'S DUTY AND OBLIGATION TO PROVIDE QUARTERLY VERIFICATION WITH
30 THE DIVISION;

31 (B) FURTHER DUTIES AND OBLIGATIONS OF REGISTRANTS. THE STANDARDIZED
32 VERIFICATION INFORMATION FORM SHALL ALSO PROVIDE INFORMATION ADVISING
33 THE REGISTRANT OF HIS OR HER DUTIES AND OBLIGATIONS UNDER THIS ARTICLE;
34 AND

35 (C) MANNER OF REGISTRATION. THE STANDARDIZED VERIFICATION INFORMATION
36 FORM SHALL ADDITIONALLY PROVIDE INFORMATION CONCERNING THE MANNER AND
37 PROCEDURES THAT A REGISTRANT SHALL BE REQUIRED TO FOLLOW, IN ORDER TO
38 PROPERLY PROVIDE VERIFICATION IN ACCORDANCE WITH THE PROVISIONS OF THIS
39 ARTICLE, INCLUDING:

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

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

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

51 7. PERSONALIZED VERIFICATION INFORMATION FORM. THE DIVISION SHALL
52 CREATE A PERSONALIZED VERIFICATION INFORMATION FORM, IN CLEAR AND
53 CONCISE LANGUAGE, WITH THE PURPOSE OF PROVIDING INFORMATION TO EVERY
54 TERRORIST REQUIRED TO REGISTER WITH THE NEW YORK STATE TERRORIST REGIS-
55 TRY WITH DETAILED DIRECTIONS AND INFORMATION AS TO WHERE THE REGISTRANT
56 MUST APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, WHICH

1 SHALL SPECIFY THE ADDRESS, TELEPHONE NUMBER AND DESIGNATED CONTACT
2 PERSON OF SUCH LAW ENFORCEMENT AGENCY. SUCH PERSONAL VERIFICATION INFOR-
3 MATION INFORMATION FORM SHALL FURTHER INDICATE THE DATE BY WHICH THE
4 REGISTRANT MUST APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURIS-
5 DICTION TO PROVIDE SUCH UPDATED PHOTOGRAPH.

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

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

15 (A) THE DIVISION SHALL MAKE PAPER COPIES OF THE STANDARDIZED REGISTRA-
16 TION INFORMATION FORM, THE STANDARDIZED REGISTRATION FORM, THE STANDARD-
17 IZED VERIFICATION INFORMATION FORM AND THE STANDARDIZED VERIFICATION
18 FORM AVAILABLE TO REGISTRANTS, ATTORNEYS REPRESENTING REGISTRANTS, THE
19 UNIFIED COURT SYSTEM, THE DEPARTMENT, FEDERAL, STATE AND LOCAL LAW
20 ENFORCEMENT, AND SUCH OTHER AND FURTHER INDIVIDUALS AND ENTITIES AS THE
21 DIVISION DEEMS APPROPRIATE;

22 (B) THE DIVISION SHALL FURTHER POST ELECTRONIC COPIES OF THE STANDARD-
23 IZED REGISTRATION INFORMATION FORM, THE STANDARDIZED REGISTRATION FORM,
24 THE STANDARDIZED VERIFICATION INFORMATION FORM AND THE STANDARDIZED
25 VERIFICATION FORM, PRODUCED IN ACCORDANCE WITH THIS SECTION, ON THE
26 OFFICIAL WEBSITE OF THE DIVISION, AND SUCH ELECTRONIC FORMS SHALL ALL BE
27 IN A DOWNLOADABLE FORMAT, TO ALLOW FOR THE SUBMISSION OF A COMPLETED
28 COPY OF SUCH FORM OR FORMS TO THE DIVISION, REGARDLESS OF WHETHER ANY
29 SUCH FORM OR FORMS HAVE BEEN PROVIDED TO, OR RECEIVED BY, THE REGIS-
30 TRANT, OR REGARDLESS OF WHETHER SUCH REGISTRANT HAS IN FACT RECEIVED
31 NOTICE OF HIS OR HER DUTY AND OBLIGATION TO REGISTER AS REQUIRED BY THIS
32 ARTICLE; AND

33 (C) THE DIVISION SHALL ALSO MAINTAIN A TOLL FREE TELEPHONE NUMBER,
34 WHICH SHALL BE DISPLAYED ON THE OFFICIAL WEBSITE OF THE DIVISION, TO
35 PROVIDE, UPON REQUEST OF ANY PERSON REQUIRED TO REGISTER WITH THE NEW
36 YORK STATE TERRORIST REGISTRY, OR THEIR REPRESENTATIVE, ALL INFORMATION
37 THAT IS NECESSARY FOR A REGISTRANT TO COMPLETE THEIR REGISTRATION WITH
38 THE NEW YORK STATE TERRORIST REGISTRY, OR FOR A REGISTRANT TO COMPLETE
39 THEIR VERIFICATION, INCLUDING INFORMATION THAT WOULD BE PROVIDED IN A
40 PERSONALIZED REGISTRATION INFORMATION FORM OR A PERSONALIZED VERIFICA-
41 TION INFORMATION FORM.

42 10. ADVERTISEMENT. THE DIVISION SHALL ADVERTISE ON ITS OFFICIAL
43 WEBSITE THAT ALL TERRORISTS ADDED TO THE NEW YORK STATE TERRORIST REGIS-
44 TRY SHALL BE REQUIRED TO REGISTER AND PROVIDE VERIFICATION UNDER PENALTY
45 OF LAW, AND THAT THE INFORMATION AND FORMS NECESSARY TO COMPLETE SUCH
46 REGISTRATION AND PROVIDE SUCH VERIFICATION ARE AVAILABLE FOR DOWNLOAD ON
47 THE DIVISION'S WEBSITE AND THAT FURTHER INFORMATION CAN BE OBTAINED FROM
48 THE TOLL FREE TELEPHONE NUMBER ESTABLISHED IN ACCORDANCE WITH PARAGRAPH
49 (C) OF SUBDIVISION NINE OF THIS SECTION.

50 11. PURPOSE OF THE REGISTRATION PACKET. THE PURPOSE OF THE NON-FOR-
51 WARDABLE REGISTRATION PACKET CREATED IN ACCORDANCE WITH SUBDIVISION ONE
52 OF THIS SECTION, SHALL BE TO INFORM EVERY TERRORIST ADDED TO THE NEW
53 YORK STATE TERRORIST REGISTRY OF SUCH TERRORIST'S DUTY AND OBLIGATION TO
54 REGISTER AS REQUIRED BY THIS ARTICLE, AND TO COLLECT THE NECESSARY
55 INFORMATION FROM SUCH TERRORIST AS REQUIRED BY THIS ARTICLE.

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

6 13. PURPOSE OF THE VERIFICATION PACKET. THE PURPOSE OF THE NON-FOR-
7 WARDABLE VERIFICATION PACKET, CREATED IN ACCORDANCE WITH SUBDIVISION
8 FIVE OF THIS SECTION, SHALL BE TO INFORM EVERY REGISTRANT ADDED TO THE
9 NEW YORK STATE TERRORIST REGISTRY OF SUCH REGISTRANT'S DUTY AND OBLI-
10 GATION TO PROVIDE VERIFICATION AS REQUIRED BY THIS ARTICLE, AND TO
11 COLLECT THE NECESSARY VERIFICATION INFORMATION FROM SUCH REGISTRANT AS
12 REQUIRED BY THIS ARTICLE.

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

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

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

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

31 (C) THE REGISTRANT, WITHIN TEN CALENDAR DAYS OF THE RECEIPT OF THE
32 REGISTRATION PACKET FROM THE DIVISION, OR WITHIN THIRTY CALENDAR DAYS OF
33 THE MAILING OF REGISTRATION PACKET BY THE DIVISION, OR WITHIN FIVE
34 CALENDAR DAYS OF DOWNLOADING THE STANDARDIZED REGISTRATION FORM FROM THE
35 DIVISION'S WEBSITE, OR WITHIN FIVE DAYS OF BEING PERSONALLY NOTIFIED BY
36 THE DIVISION OR ITS REPRESENTATIVE, WHICHEVER IS EARLIER, SHALL RETURN A
37 FULLY EXECUTED, SIGNED AND COMPLETED COPY OF THE STANDARDIZED REGISTRA-
38 TION FORM TO THE DIVISION, EITHER BY MEANS OF UNITED STATES FIRST CLASS
39 MAIL, OR BY MEANS OF PERSONAL DELIVERY TO THE LAW ENFORCEMENT AGENCY
40 HAVING JURISDICTION;

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

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

1 SHALL APPEAR BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, TO
2 PROVIDE FINGERPRINTS, AN INITIAL PHOTOGRAPH AND A DNA SAMPLE, UNLESS
3 SUCH REGISTRANT HAS PREVIOUSLY HAD THEIR INITIAL PHOTOGRAPH PREVIOUSLY
4 TAKEN, AND THEIR FINGERPRINTS AND DNA SAMPLE PREVIOUSLY COLLECTED, IN
5 ACCORDANCE WITH SUBDIVISIONS THREE AND FIVE OF SECTION ONE HUNDRED
6 SIXTY-NINE-J OF THIS ARTICLE, OR IN ACCORDANCE WITH SUBDIVISIONS THREE
7 AND FIVE OF SECTION ONE HUNDRED SIXTY-NINE-K OF THIS ARTICLE; AND

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

13 16. DUTY AND OBLIGATION TO REGISTER AND PROVIDE VERIFICATION ABSOLUTE.
14 IN NO EVENT SHALL THE FAILURE OF A TERRORIST TO RECEIVE ANY NOTICE,
15 REGISTRATION PACKET OR VERIFICATION PACKET, OR OF THE DIVISION TO FAIL
16 TO PROVIDE SUCH NOTICE, REGISTRATION PACKET OR VERIFICATION PACKET, OR
17 OF THE FAILURE OF THE DIVISION TO PROVIDE SUCH NOTICE, REGISTRATION
18 PACKET OR VERIFICATION PACKET WITHIN THE TIME REQUIRED PURSUANT TO THIS
19 SECTION, RELIEVE ANY SUCH TERRORIST FROM ANY DUTY OR OBLIGATION REQUIRED
20 BY THIS ARTICLE.

21 17. VIOLATIONS. IN THE EVENT THAT A COMPLETED STANDARDIZED REGISTRA-
22 TION FORM OR A COMPLETED STANDARDIZED VERIFICATION FORM IS NOT RETURNED
23 TO THE DIVISION BY A REGISTRANT WITHIN THE TIMELINES REQUIRED PURSUANT
24 TO SUBDIVISION FIFTEEN OF THIS SECTION, THE DIVISION SHALL IMMEDIATELY
25 NOTIFY THE DIVISION OF STATE POLICE, THE STATE DIVISION OF HOMELAND
26 SECURITY AND EMERGENCY SERVICES, AND THE UNITED STATES DEPARTMENT OF
27 HOMELAND SECURITY, WHEREUPON THE DIVISION OF STATE POLICE SHALL IMME-
28 DIATELY CAUSE SUCH TERRORIST TO BE ARRESTED AND CHARGED WITH A FAILURE
29 TO REGISTER IN ACCORDANCE WITH THIS ARTICLE, AND PURSUANT TO SECTION
30 490.23 OF THE PENAL LAW.

31 18. LATE FILINGS. THE DIVISION MAY BY REGULATION IDENTIFY CERTAIN
32 CIRCUMSTANCES WHEN THE COMMISSIONER MAY AUTHORIZE THE LATE SUBMISSION OF
33 A STANDARDIZED REGISTRATION FORM, A STANDARDIZED VERIFICATION FORM, OR
34 THE LATE COLLECTION OF FINGERPRINTS, DNA SAMPLE, INITIAL PHOTOGRAPH OR
35 UPDATED PHOTOGRAPH, BUT IN NO EVENT SHALL A LATE SUBMISSION OR LATE
36 COLLECTION BE AUTHORIZED MORE THAN NINETY DAYS AFTER THE REGISTRANT, IF
37 OF LEGAL CAPACITY, RECEIVED ACTUAL NOTICE, OF THEIR DUTY AND OBLIGATION
38 TO SUBMIT OR HAVE COLLECTED SUCH STANDARDIZED REGISTRATION FORM, STAND-
39 ARDIZED VERIFICATION FORM, FINGERPRINTS, DNA SAMPLE, INITIAL PHOTOGRAPH
40 OR UPDATED PHOTOGRAPH.

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

43 S 169-F. EXAMINATION OF POTENTIAL REGISTRANTS. 1. GENERALLY. THE
44 DIVISION SHALL MAKE REGULAR EXAMINATIONS TO DETERMINE WHETHER TERRORISTS
45 SHALL BE ADDED TO THE REGISTRY, AND UPON ANY SUCH EXAMINATION AND DETER-
46 MINATION THAT A TERRORIST SHALL BE ADDED TO THE REGISTRY, IN ACCORDANCE
47 WITH THE PROVISIONS OF THIS SECTION, THE DIVISION SHALL ADD SUCH TERROR-
48 IST TO THE REGISTRY, AND SHALL NOTIFY SUCH TERRORIST PURSUANT TO SECTION
49 ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

50 2. RELEASE NOTIFICATION. IN THE CASE OF ANY TERRORIST, IT SHALL BE THE
51 DUTY OF THE CONFINEMENT ENTITY IN WHOSE CUSTODY SUCH TERRORIST IS HELD,
52 AT LEAST SIXTY CALENDAR DAYS PRIOR TO THE RELEASE OF SUCH TERRORIST FROM
53 SUCH CUSTODY, TO NOTIFY THE DIVISION, IN A FORM AND MANNER PROVIDED BY
54 THE DIVISION, OF THE CONTEMPLATED RELEASE OR DISCHARGE OF SUCH TERROR-
55 IST. THE NOTIFICATION PROVIDED SHALL INCLUDE THE ADDRESS AT WHICH SUCH
56 TERRORIST PROPOSES TO RESIDE. IF SUCH TERRORIST CHANGES HIS OR HER PLACE

1 OF RESIDENCE WHILE ON PAROLE, SUCH NOTIFICATION OF THE CHANGE OF RESI-
2 DENCE SHALL BE SENT BY THE TERRORIST'S PAROLE OFFICER WITHIN FORTY-EIGHT
3 HOURS TO THE DIVISION, ON A FORM AND IN A MANNER PROVIDED BY THE DIVI-
4 SION. IN THE EVENT THAT THE CONFINEMENT ENTITY IS UNABLE TO NOTIFY THE
5 DIVISION OF THE CONTEMPLATED RELEASE OR DISCHARGE OF SUCH TERRORIST AT
6 LEAST SIXTY DAYS PRIOR TO SUCH RELEASE, THE CONFINEMENT ENTITY MUST
7 PROVIDE AN EMERGENCY NOTIFICATION TO THE DIVISION, IN A FORM AND MANNER
8 PROVIDED BY THE DIVISION.

9 3. PROBATION NOTIFICATION. IN THE CASE OF ANY TERRORIST ON PROBATION,
10 IT SHALL BE THE DUTY OF THE TERRORIST'S PROBATION OFFICER TO NOTIFY THE
11 DIVISION, WITHIN FORTY-EIGHT HOURS, OF ANY INITIAL OR CHANGED PLACE OF
12 RESIDENCE OF SUCH TERRORIST, IN THE FORM AND MANNER PROVIDED BY THE
13 DIVISION.

14 4. ESCAPE NOTIFICATION. IN THE EVENT THAT ANY TERRORIST ESCAPES FROM
15 THE CUSTODY OF ANY CONFINEMENT ENTITY, THE DESIGNATED OFFICIAL OF THE
16 CONFINEMENT ENTITY, SHALL IMMEDIATELY NOTIFY, BY TELEPHONE AND/OR EMAIL,
17 THE DIVISION OF SUCH ESCAPE. WITHIN TWENTY-FOUR HOURS, THE CONFINEMENT
18 ENTITY SHALL FURTHER PROVIDE THE DIVISION AND THE LAW ENFORCEMENT AGENCY
19 HAVING JURISDICTION AT, AND IMMEDIATELY PRIOR TO, THE TIME OF THE
20 TERRORIST'S CONFINEMENT, WITH:

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

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

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

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

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

28 (F) THE FINGERPRINTS OF THE TERRORIST.

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

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

39 (I) THE DEPARTMENT;

40 (II) THE DIVISION OF PAROLE;

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

42 (IV) THE DEPARTMENT OF HEALTH;

43 (V) THE DEPARTMENT OF EDUCATION;

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

46 (VII) THE DIVISION OF STATE POLICE;

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

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

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

55 (I) THE FEDERAL BUREAU OF PRISONS;

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

3 (III) THE UNITED STATE DEPARTMENT OF STATE;

4 (IV) THE UNITED STATES DEPARTMENT OF JUSTICE;

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

6 (VI) THE CENTRAL INTELLIGENCE AGENCY;

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

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

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

11 7. GROUNDS TO ADD A TERRORIST TO THE REGISTRY. UPON EXAMINATION IN
12 ACCORDANCE WITH THIS SECTION, THE DIVISION SHALL ADD A TERRORIST, AS
13 DEFINED BY SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS
14 ARTICLE, TO THE NEW YORK STATE TERRORIST REGISTRY, AND PROVIDE SUCH
15 TERRORIST WITH NOTIFICATION THAT THEY HAVE BEEN SO ADDED TO THE REGISTRY
16 IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE, IF
17 THE DIVISION DETERMINES THAT SUCH TERRORIST IS:

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

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

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

29 8. COURT APPLICATION TO ADD A PERSON TO THE REGISTRY. UPON EXAMINATION
30 IN ACCORDANCE WITH THIS SECTION, AND UPON A FINDING THAT THE PERSON
31 EXAMINED MAY NOT HAVE COMMITTED A TERRORIST OFFENSE AS DEFINED IN SUBDI-
32 VISION TWO OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, OR A
33 VERIFIABLE ACT OF TERRORISM, AS DEFINED IN SUBDIVISION THREE OF SECTION
34 ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, BUT IN THE JOINT DETERMINATION
35 OF THE DIVISION AND THE DIVISION OF HOMELAND SECURITY AND EMERGENCY
36 SERVICES, THAT SUCH PERSON NONETHELESS STILL 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, THEN THE DIVISION MAY MAKE AN APPLICATION TO A SUPREME COURT, IN
40 ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-I OF THIS ARTICLE, TO ADD
41 SUCH PERSON TO THE NEW YORK STATE TERRORIST REGISTRY, AND IF SUCH COURT
42 ISSUES THE CERTIFICATION, THEN THE DIVISION SHALL ADD SUCH PERSON TO THE
43 REGISTRY, AND PROVIDE SUCH PERSON WITH NOTIFICATION IN ACCORDANCE WITH
44 SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

45 9. ADDITION TO THE REGISTRY BY COURT ORDER. WHERE A COURT OF THE
46 UNIFIED COURT SYSTEM IN NEW YORK, ISSUES A CERTIFICATION TO ADD A PERSON
47 TO THE NEW YORK STATE TERRORIST REGISTRY, IN ACCORDANCE WITH SECTION ONE
48 HUNDRED SIXTY-NINE-I OF THIS ARTICLE, THEN THE DIVISION SHALL ADD SUCH
49 PERSON TO THE REGISTRY, AND PROVIDE SUCH PERSON WITH NOTIFICATION IN
50 ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

51 10. REMOVAL FROM THE REGISTRY BY COURT ORDER. WHERE THE SUPREME COURT
52 IN THE COUNTY WHERE A REGISTRANT RESIDES, OR THE SUPREME COURT OF ALBANY
53 COUNTY WHERE A PERSON DOES NOT RESIDE IN NEW YORK STATE, ISSUES A DECI-
54 SION AND/OR ORDER TO REMOVE A PERSON FROM THE NEW YORK STATE TERRORIST
55 REGISTRY, IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-I OF THIS
56 ARTICLE, THEN THE DIVISION SHALL REMOVE SUCH PERSON FROM THE REGISTRY,

1 AND PROVIDE SUCH PERSON WITH NOTIFICATION OF THEIR REMOVAL FROM THE
2 REGISTRY, BUT THE DIVISION MAY APPEAL SUCH DECISION AND/OR ORDER, AND
3 SUCH REMOVAL SHALL NOT BE PERFORMED BY THE DIVISION UNTIL THE FINAL
4 APPEAL IS DECIDED IN FAVOR OF THE PERSON SEEKING REMOVAL FROM THE REGIS-
5 TRY.

6 S 169-G. INITIAL ASSEMBLY OF THE REGISTRY. THE DIVISION, WITHIN SIXTY
7 DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE, SHALL COMMENCE EXAMINATIONS
8 AND MAKE DETERMINATIONS, IN ACCORDANCE WITH SECTION ONE HUNDRED
9 SIXTY-NINE-F OF THIS ARTICLE, TO DETERMINE WHAT TERRORISTS SHALL BE
10 INITIALLY ADDED TO THE REGISTRY, AND UPON SUCH EXAMINATIONS AND DETERMI-
11 NATIONS, SHALL ADD SUCH TERRORISTS TO THE REGISTRY, AND SHALL THEREAFTER
12 NOTIFY SUCH TERRORISTS THAT THEY HAVE BEEN ADDED TO THE REGISTRY PURSU-
13 ANT TO SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

14 S 169-H. REGISTRATION AND VERIFICATION OF TERRORISTS. 1. DUTY AND
15 OBLIGATION TO REGISTER AND VERIFY. ANY PERSON ADDED TO THE NEW YORK
16 STATE TERRORIST REGISTRY BY THE DIVISION, IN ACCORDANCE WITH SECTION ONE
17 HUNDRED SIXTY-NINE-F OF THIS ARTICLE, SHALL BE REQUIRED, AND HAVE THE
18 DUTY AND OBLIGATION TO REGISTER AND VERIFY, AND SHALL FURTHER BE
19 REQUIRED AND HAVE THE DUTY AND OBLIGATION TO PROVIDE THE REQUIRED REGIS-
20 TRATION AND QUARTERLY VERIFICATION INFORMATION, IN ACCORDANCE WITH THIS
21 ARTICLE.

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

25 (A) REGISTER UNDER THIS ARTICLE;

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

31 (C) UNLESS SUCH TERRORIST HAS PREVIOUSLY HAD THEIR INITIAL PHOTOGRAPH
32 PREVIOUSLY TAKEN, IN ACCORDANCE WITH SUBDIVISIONS THREE AND FIVE OF
33 SECTION ONE HUNDRED SIXTY-NINE-J OF THIS ARTICLE, OR IN ACCORDANCE WITH
34 SUBDIVISIONS THREE AND FIVE OF SECTION ONE HUNDRED SIXTY-NINE-K OF THIS
35 ARTICLE, APPEAR TO, AND BE PHOTOGRAPHED BY, THE SPECIFIED LAW ENFORCE-
36 MENT AGENCY HAVING JURISDICTION, WITHIN THE TIMES, AND AT THE LOCATIONS,
37 REQUIRED PURSUANT TO THIS ARTICLE;

38 (D) UNLESS SUCH TERRORIST HAS PREVIOUSLY HAD THEIR FINGERPRINTS
39 COLLECTED, IN ACCORDANCE WITH SUBDIVISIONS THREE AND FIVE OF SECTION ONE
40 HUNDRED SIXTY-NINE-J OF THIS ARTICLE, OR IN ACCORDANCE WITH SUBDIVISIONS
41 THREE AND FIVE OF SECTION ONE HUNDRED SIXTY-NINE-K OF THIS ARTICLE,
42 APPEAR TO, AND BE FINGERPRINTED BY, THE SPECIFIED LAW ENFORCEMENT AGENCY
43 HAVING JURISDICTION, WITHIN THE TIMES, AND AT THE LOCATIONS, REQUIRED
44 PURSUANT TO THIS ARTICLE;

45 (E) UNLESS SUCH TERRORIST HAS PREVIOUSLY HAD THEIR DNA SAMPLE
46 COLLECTED, IN ACCORDANCE WITH SUBDIVISIONS THREE AND FIVE OF SECTION ONE
47 HUNDRED SIXTY-NINE-J OF THIS ARTICLE, OR IN ACCORDANCE WITH SUBDIVISIONS
48 THREE AND FIVE OF SECTION ONE HUNDRED SIXTY-NINE-K OF THIS ARTICLE,
49 APPEAR TO, AND SUBMIT TO A DNA SAMPLE TAKEN BY THE SPECIFIED LAW
50 ENFORCEMENT AGENCY HAVING JURISDICTION, WITHIN THE TIMES, AND AT THE
51 LOCATIONS, REQUIRED PURSUANT TO THIS ARTICLE; AND

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

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

1 (A) VERIFY UNDER THIS ARTICLE;

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

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

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

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

17 5. CHANGE OF ADDRESS. ANY TERRORIST ADDED TO THE NEW YORK STATE
18 TERRORIST REGISTRY SHALL, IN ADDITION TO ANY OTHER INFORMATION REQUIRED
19 BY THIS ARTICLE, REGISTER HIS OR HER CURRENT RESIDENTIAL ADDRESS, AND
20 THE ADDRESS OF HIS OR HER PLACE OF EMPLOYMENT OR EDUCATIONAL INSTITUTION
21 ATTENDED, WITH THE DIVISION, AND SHALL NOTIFY THE DIVISION OF ANY CHANGE
22 OF RESIDENCE, EMPLOYMENT OR EDUCATIONAL INSTITUTION ADDRESS IN ACCORD-
23 ANCE WITH THE PROVISIONS OF THIS ARTICLE.

24 S 169-I. DUTIES OF THE COURT. 1. CERTIFICATION OF TERRORIST. (A) UPON
25 CONVICTION OF ANY OF THE OFFENSES SET FORTH IN ARTICLE FOUR HUNDRED
26 NINETY OF THE PENAL LAW, THE COURT SHALL CERTIFY THAT THE PERSON IS A
27 TERRORIST, AND SHALL INCLUDE THE CERTIFICATION IN THE ORDER OF COMMIT-
28 MENT, IF ANY, AND JUDGMENT OF CONVICTION, AND SHALL ADDITIONALLY DIRECT
29 THE DIVISION TO ADD SUCH PERSON, SO CONVICTED, TO THE NEW YORK STATE
30 TERRORIST REGISTRY.

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

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

42 (D) ANY PERSON WHO A COURT CERTIFIES AS A REGISTRANT, WHO IS RELEASED
43 ON PROBATION OR DISCHARGED UPON PAYMENT OF A FINE, CONDITIONAL DISCHARGE
44 OR UNCONDITIONAL DISCHARGE, SHALL, PRIOR TO SUCH RELEASE OR DISCHARGE,
45 BE INFORMED OF HIS OR HER DUTY AND OBLIGATION TO REGISTER UNDER THIS
46 ARTICLE BY THE COURT IN WHICH HE OR SHE WAS CONVICTED, AND AT THE TIME
47 SENTENCE IS IMPOSED, SUCH TERRORIST SHALL REGISTER WITH THE DIVISION ON
48 THE STANDARDIZED REGISTRATION FORM PREPARED BY THE DIVISION IN ACCORD-
49 ANCE WITH THIS ARTICLE AS FOLLOWS:

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

53 (II) UPON COMPLETION OF THE STANDARDIZED REGISTRATION FORM, THE COURT
54 SHALL GIVE ONE COPY OF SUCH FORM TO THE TERRORIST, AND SHALL DIRECT THE
55 IMMEDIATE TRANSMISSION OF THE ORIGINAL COMPLETED AND SIGNED STANDARDIZED
56 REGISTRATION FORM TO THE DIVISION, WHICH SHALL, UPON RECEIPT OF SUCH

1 FORM, ADD SUCH PERSON TO THE REGISTRY AND FORWARD THE INFORMATION
2 COLLECTED TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION, IN
3 ACCORDANCE WITH THIS ARTICLE;

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

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

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

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

36 (B) APPEALS. THE DIVISION MAY APPEAL ANY DECISION AND/OR ORDER WHERE
37 THE COURT DENIES A CERTIFICATION SOUGHT UNDER THIS SUBDIVISION AND FAILS
38 TO DIRECT THE DIVISION TO ADD THE PERSON WHO IS THE SUBJECT OF THE
39 APPLICATION TO THE NEW YORK STATE TERRORIST REGISTRY. AN APPEAL OF SUCH
40 DENIAL SHALL GO, AS OF RIGHT, TO THE COURT OF APPEALS, WHICH SHALL HEAR
41 SUCH APPEAL WITHIN NINETY DAYS OF THE ISSUANCE OF THE DECISION OR THE
42 ENTRY OF THE ORDER DENYING THE CERTIFICATION SOUGHT BY THE DIVISION IN
43 ACCORDANCE WITH THIS SUBDIVISION, WHICHEVER IS EARLIER. ANY PERSON WHOM
44 THE COURT DIRECTS SHALL HAVE THEIR NAME ADDED TO THE REGISTRY MAY ALSO
45 APPEAL SUCH DECISION AND/OR ORDER. AN APPEAL OF SUCH DECISION AND/OR
46 ORDER ADDING SUCH PERSON TO THE REGISTRY BY THE PERSON WHOSE NAME WOULD
47 BE SO ADDED SHALL GO, AS OF RIGHT, TO THE APPELLATE DIVISION IN THE
48 DEPARTMENT IN WHICH SUCH PERSON SO RESIDES, OR IF SUCH PERSON DOES NOT
49 RESIDE IN NEW YORK STATE, TO THE APPELLATE DIVISION OF THE THIRD DEPART-
50 MENT, WHICH SUCH APPELLATE DIVISION SHALL HEAR SUCH APPEAL WITHIN NINETY
51 DAYS OF THE ISSUANCE OF THE DECISION OR THE ENTRY OF THE ORDER ISSUING
52 THE CERTIFICATION SOUGHT IN ACCORDANCE WITH THIS SECTION, WHICHEVER IS
53 EARLIER.

54 3. APPLICATION TO REMOVE A PERSON FROM THE REGISTRY. ANY PERSON ADDED
55 BY THE DIVISION TO THE NEW YORK STATE TERRORIST REGISTRY MAY SEEK AN
56 ORDER OF THE SUPREME COURT IN THE COUNTY WHERE SUCH REGISTRANT RESIDES,

1 OR THE SUPREME COURT OF THE COUNTY OF ALBANY IF SUCH REGISTRANT DOES NOT
2 RESIDE IN THE STATE OF NEW YORK, TO HAVE THEIR NAME AND INFORMATION
3 REMOVED FROM THE REGISTRY AS FOLLOWS:

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

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

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

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

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

19 (B) REMOVAL OF PERSON FROM THE REGISTRY. THAT WHERE THE SUPREME COURT
20 FINDS THE CONSIDERABLE GROUNDS REQUIRED IN PARAGRAPH (A) OF THIS SUBDI-
21 VISION, AND ISSUES AN ORDER TO REMOVE A PERSON FROM THE NEW YORK STATE
22 TERRORIST REGISTRY, THE DIVISION SHALL, IN ACCORDANCE WITH THIS PARA-
23 GRAPH AND PARAGRAPH (C) OF THIS SUBDIVISION, REMOVE SUCH PERSON FROM THE
24 REGISTRY, AND PROVIDE SUCH PERSON WITH NOTIFICATION OF THEIR REMOVAL
25 FROM THE REGISTRY.

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

46 S 169-J. RESPONSIBILITIES OF A CONFINEMENT ENTITY PRIOR TO DISCHARGE
47 OF A TERRORIST. 1. NOTIFICATION OF THE DIVISION. FOR EVERY TERRORIST,
48 AS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B OF
49 THIS ARTICLE, WITHIN ITS CUSTODY, THE CONFINEMENT ENTITY, AS DEFINED IN
50 SUBDIVISION EIGHTEEN OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTI-
51 CLE, SHALL NOTIFY THE DIVISION, IN A FORM AND MANNER PROVIDED FOR BY THE
52 DIVISION, OF CERTAIN INFORMATION ON SUCH TERRORIST, INCLUDING, BUT NOT
53 LIMITED TO, THE TERRORIST'S NAME, THE ADDRESS OF THE TERRORIST PRIOR TO
54 CONFINEMENT, THE EXPECTED LENGTH OF CONFINEMENT OF THE TERRORIST, AND
55 THE DATE OF EXPECTED RELEASE OF THE TERRORIST FROM THE FACILITY MAIN-
56 TAINED BY THE CONFINEMENT ENTITY. THE NOTIFICATION REQUIRED BY THIS

1 SUBDIVISION SHALL TAKE PLACE WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF
2 THIS ARTICLE, OR IF THE CONFINEMENT ENTITY TAKES CUSTODY OF SUCH TERROR-
3 IST AFTER THE EFFECTIVE DATE OF THIS ARTICLE, THEN SUCH NOTICE SHALL
4 TAKE PLACE WITHIN THIRTY DAYS OF THE COMMENCEMENT OF THE DATE OF SUCH
5 CUSTODY OF SUCH TERRORIST.

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

24 3. REGISTRATION AT THE FACILITY. IMMEDIATELY AFTER PROVIDING THE
25 TERRORIST WITH THE NOTIFICATION REQUIRED PURSUANT TO SUBDIVISION TWO OF
26 THIS SECTION, THE CONFINEMENT ENTITY SHALL PRESENT EVERY TERRORIST IN
27 THEIR CUSTODY WHO HAS NOT PREVIOUSLY REGISTERED WITH THE NEW YORK STATE
28 TERRORIST REGISTRY WITH A REGISTRATION PACKET AS DEFINED IN SUBDIVISION
29 ONE OF SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE, AS PROVIDED BY
30 THE DIVISION, AND SHALL FURTHER ARRANGE TO HAVE SUCH PACKET READ AND
31 EXPLAINED TO THE TERRORIST, AND AFTER SUCH READING AND EXPLANATION,
32 SHALL ADDITIONALLY REQUIRE THE TERRORIST TO:

33 (A) COMPLETE AND SIGN THE STANDARDIZED REGISTRATION FORM CONTAINED
34 WITHIN SUCH REGISTRATION PACKET;

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

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

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

40 4. FAILURE OF A TERRORIST TO REGISTER. NO CONFINEMENT ENTITY SHALL
41 RELEASE, DISCHARGE, PAROLE, RELEASE TO POST-RELEASE SUPERVISION, OR
42 PROVIDE ANY OTHER RELEASE FOR ANY TERRORIST REQUIRED TO REGISTER UNDER
43 THIS ARTICLE, WHO HAS NOT PREVIOUSLY REGISTERED WITH THE NEW YORK STATE
44 TERRORIST REGISTRY, WITHOUT FIRST OBTAINING A COMPLETED AND SIGNED
45 STANDARDIZED REGISTRATION FORM, AN INITIAL PHOTOGRAPH, A COMPLETE SET OF
46 FINGERPRINTS, AND A DNA SAMPLE FROM SUCH TERRORIST PURSUANT TO SUBDI-
47 VISION THREE OF THIS SECTION.

48 5. SATISFACTION OF DUTY TO INITIALLY APPEAR BEFORE LAW ENFORCEMENT
49 AGENCY HAVING JURISDICTION. THE COLLECTION BY THE CONFINEMENT ENTITY OF
50 THE INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA
51 SAMPLE FROM THE TERRORIST IN ACCORDANCE WITH SUBDIVISION THREE OF THIS
52 SECTION, SHALL RELIEVE THE TERRORIST FROM THEIR DUTY TO INITIALLY APPEAR
53 BEFORE THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION FOR THE COLLECTION
54 OF THE INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA
55 SAMPLE, BUT SHALL NOT RELIEVE SUCH TERRORIST FROM THEIR DUTY TO PAY,
56 WITHIN FIFTEEN DAYS OF RELEASE FROM THE CONFINEMENT ENTITY, THE ONE

1 HUNDRED DOLLAR FEE REQUIRED PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-P
2 OF THIS ARTICLE, OR THE DUTY TO APPEAR BEFORE SUCH LAW ENFORCEMENT AGEN-
3 CY HAVING JURISDICTION FOR THE PURPOSE OF PROVIDING A CHANGE OF ADDRESS
4 FORM, OR THE DUTY TO APPEAR OR RE-APPEAR BEFORE SUCH LAW ENFORCEMENT
5 AGENCY HAVING JURISDICTION FOR THE PURPOSE OF PROVIDING AN ANNUAL UPDATE
6 TO THE TERRORIST'S INITIAL PHOTOGRAPH.

7 6. RECORDING OF ADDRESS. UPON THE COMPLETION OF THE STANDARDIZED
8 REGISTRATION FORM BY THE TERRORIST, THE CONFINEMENT ENTITY SHALL IMME-
9 DIATELY RECORD FROM SUCH STANDARDIZED REGISTRATION FORM, THE ADDRESS
10 WHERE THE TERRORIST EXPECTS TO RESIDE UPON HIS OR HER DISCHARGE, PAROLE,
11 RELEASE TO POST-RELEASE SUPERVISION OR ANY OTHER RELEASE, AND SHALL KEEP
12 AND MAINTAIN A RECORD OF SUCH ADDRESS.

13 7. TRANSMISSION OF THE STANDARDIZED REGISTRATION FORM. UPON THE
14 COMPLETION OF THE STANDARDIZED REGISTRATION FORM BY THE TERRORIST IN
15 ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, THE CONFINEMENT ENTI-
16 TY SHALL IMMEDIATELY GIVE ONE COPY OF THE COMPLETED AND SIGNED STANDARD-
17 IZED REGISTRATION FORM TO THE TERRORIST, MAINTAIN ONE COPY OF SUCH
18 COMPLETED AND SIGNED FORM FOR THE CONFINEMENT ENTITY'S OWN RECORDS, AND
19 SHALL FURTHER IMMEDIATELY TRANSMIT TO THE DIVISION, BY THE MEANS AND
20 MANNER PROVIDED BY THE DIVISION, THE ORIGINAL COMPLETED AND SIGNED
21 STANDARDIZED REGISTRATION FORM.

22 8. TRANSMISSION OF THE REGISTRATION MATERIALS. UPON THE COLLECTION OF
23 THE INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA
24 SAMPLE FROM THE TERRORIST IN ACCORDANCE WITH SUBDIVISION THREE OF THIS
25 SECTION, THE CONFINEMENT ENTITY SHALL IMMEDIATELY TRANSMIT TO THE DIVI-
26 SION THE INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE
27 DNA SAMPLE, BY THE MEANS AND MANNER PROVIDED BY THE DIVISION.

28 9. CONVICTION DATA AND PERSONAL INFORMATION. AT ANY TIME AFTER THE
29 EFFECTIVE DATE OF THIS ARTICLE, THE DIVISION MAY REQUEST, AND THE
30 CONFINEMENT ENTITY SHALL THEN IMMEDIATELY PROVIDE AND TRANSMIT TO THE
31 DIVISION, ANY AND ALL THE CONVICTION DATA AND PERSONAL INFORMATION OF
32 ANY TERRORIST, AS DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED
33 SIXTY-NINE-B OF THIS ARTICLE, WITHIN THE CUSTODY OF THE CONFINEMENT
34 ENTITY.

35 10. SHARING OF CONVICTION DATA AND PERSONAL INFORMATION. UPON RECEIPT
36 OF THE CONVICTION DATA AND PERSONAL INFORMATION OF THE TERRORIST IN
37 ACCORDANCE WITH SUBDIVISION NINE OF THIS SECTION, THE DIVISION SHALL
38 IMMEDIATELY TRANSMIT SUCH CONVICTION DATA AND PERSONAL INFORMATION TO
39 THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THE FEDERAL
40 BUREAU OF INVESTIGATION, AND THE UNITED STATES DEPARTMENT OF HOMELAND
41 SECURITY.

42 S 169-K. RESPONSIBILITIES DURING COMMUNITY SUPERVISION OR PROBATION.

43 1. NOTIFICATION OF THE DIVISION. FOR EVERY TERRORIST, AS DEFINED IN
44 SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, ON
45 COMMUNITY SUPERVISION OR PROBATION, THE DEPARTMENT OR OFFICE OF
46 PROBATION AND CORRECTIONAL ALTERNATIVES SHALL NOTIFY THE DIVISION, IN A
47 FORM AND MANNER PROVIDED FOR BY THE DIVISION, OF CERTAIN INFORMATION ON
48 SUCH TERRORIST, INCLUDING, BUT NOT LIMITED TO, THE TERRORIST'S NAME, THE
49 ADDRESS OF THE TERRORIST PRIOR TO THE COMMUNITY SUPERVISION OR
50 PROBATION, THE CURRENT ADDRESS OF THE TERRORIST, THE EXPECTED LENGTH OF
51 COMMUNITY SUPERVISION OR PROBATION OF THE TERRORIST, AND THE DATE OF
52 EXPECTED RELEASE OF THE TERRORIST FROM THE COMMUNITY SUPERVISION OR
53 PROBATION. THE NOTIFICATION REQUIRED BY THIS SUBDIVISION SHALL TAKE
54 PLACE WITHIN THIRTY DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE, OR IF
55 THE TERRORIST COMMENCES COMMUNITY SUPERVISION OR PROBATION AFTER THE
56 EFFECTIVE DATE OF THIS ARTICLE, THEN SUCH NOTICE SHALL TAKE PLACE WITHIN

1 THIRTY DAYS OF THE COMMENCEMENT OF THE DATE OF SUCH COMMUNITY SUPER-
2 VISION OR PROBATION.

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

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

32 (A) COMPLETE AND SIGN THE STANDARDIZED REGISTRATION FORM CONTAINED
33 WITHIN SUCH REGISTRATION PACKET;

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

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

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

39 4. FAILURE OF A TERRORIST TO REGISTER. NEITHER THE DEPARTMENT NOR THE
40 OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL RELEASE OR
41 DISCHARGE FROM PROBATION OR COMMUNITY SUPERVISION ANY TERRORIST REQUIRED
42 TO REGISTER UNDER THIS ARTICLE WHO HAS NOT PREVIOUSLY REGISTERED WITH
43 THE NEW YORK STATE TERRORIST REGISTRY, WITHOUT FIRST OBTAINING A
44 COMPLETED AND SIGNED STANDARDIZED REGISTRATION FORM, AN INITIAL PHOTO-
45 GRAPH, A COMPLETE SET OF FINGERPRINTS, AND A DNA SAMPLE, FROM SUCH
46 TERRORIST PURSUANT TO SUBDIVISION THREE OF THIS SECTION.

47 5. SATISFACTION OF DUTY TO INITIALLY APPEAR BEFORE LAW ENFORCEMENT
48 AGENCY HAVING JURISDICTION. THE COLLECTION BY THE DEPARTMENT OR THE
49 OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES, OF THE INITIAL PHOTO-
50 GRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA SAMPLE, FROM THE
51 TERRORIST, IN ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, SHALL
52 RELIEVE THE TERRORIST FROM THEIR DUTY TO INITIALLY APPEAR BEFORE THE LAW
53 ENFORCEMENT AGENCY HAVING JURISDICTION, FOR THE COLLECTION OF THE
54 INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA
55 SAMPLE, BUT SHALL NOT RELIEVE SUCH TERRORIST FROM THEIR DUTY TO PAY,
56 WITHIN FIFTEEN DAYS OF RELEASE FROM PROBATION OR COMMUNITY SUPERVISION,

1 THE ONE HUNDRED DOLLAR FEE REQUIRED PURSUANT TO SECTION ONE HUNDRED
2 SIXTY-NINE-P OF THIS ARTICLE, OR THE DUTY TO APPEAR BEFORE SUCH LAW
3 ENFORCEMENT AGENCY HAVING JURISDICTION FOR THE PURPOSE OF PROVIDING A
4 CHANGE OF ADDRESS FORM, OR THE DUTY TO APPEAR OR RE-APPEAR BEFORE SUCH
5 LAW ENFORCEMENT AGENCY HAVING JURISDICTION FOR THE PURPOSE OF PROVIDING
6 AN ANNUAL UPDATE TO THE TERRORIST'S INITIAL PHOTOGRAPH.

7 6. RECORDING OF ADDRESS. UPON THE COMPLETION OF THE STANDARDIZED
8 REGISTRATION FORM BY THE TERRORIST, THE DEPARTMENT OR THE OFFICE OF
9 PROBATION AND CORRECTIONAL ALTERNATIVES SHALL IMMEDIATELY RECORD FROM
10 SUCH STANDARDIZED REGISTRATION FORM, THE ADDRESS WHERE THE TERRORIST
11 EXPECTS TO RESIDE UPON HIS OR HER RELEASE OR DISCHARGE FROM COMMUNITY
12 SUPERVISION OR PROBATION, AND SHALL KEEP AND MAINTAIN A RECORD OF SUCH
13 ADDRESS.

14 7. TRANSMISSION OF THE STANDARDIZED REGISTRATION FORM. UPON THE
15 COMPLETION OF THE STANDARDIZED REGISTRATION FORM BY THE TERRORIST, IN
16 ACCORDANCE WITH SUBDIVISION THREE OF THIS SECTION, THE DEPARTMENT OR THE
17 OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL IMMEDIATELY GIVE
18 ONE COPY OF THE COMPLETED AND SIGNED STANDARDIZED REGISTRATION FORM TO
19 THE TERRORIST, MAINTAIN ONE COPY OF SUCH COMPLETED AND SIGNED FORM FOR
20 THE CONFINEMENT ENTITY'S OWN RECORDS, AND SHALL FURTHER IMMEDIATELY
21 TRANSMIT TO THE DIVISION, BY THE MEANS AND MANNER PROVIDED BY THE DIVI-
22 SION, THE ORIGINAL COMPLETED AND SIGNED STANDARDIZED REGISTRATION FORM.

23 8. TRANSMISSION OF THE REGISTRATION MATERIALS. UPON THE COLLECTION OF
24 THE INITIAL PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA
25 SAMPLE, FROM THE TERRORIST, IN ACCORDANCE WITH SUBDIVISION THREE OF THIS
26 SECTION, THE DEPARTMENT OR THE OFFICE OF PROBATION AND CORRECTIONAL
27 ALTERNATIVES SHALL IMMEDIATELY TRANSMIT TO THE DIVISION, THE INITIAL
28 PHOTOGRAPH, THE COMPLETE SET OF FINGERPRINTS, AND THE DNA SAMPLE, BY THE
29 MEANS AND MANNER PROVIDED BY THE DIVISION.

30 9. CONVICTION DATA AND PERSONAL INFORMATION. AT ANY TIME AFTER THE
31 EFFECTIVE DATE OF THIS ARTICLE, THE DIVISION MAY REQUEST, AND THE
32 DEPARTMENT OR THE OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES
33 SHALL THEN IMMEDIATELY PROVIDE AND TRANSMIT TO THE DIVISION, ANY AND ALL
34 THE CONVICTION DATA AND PERSONAL INFORMATION OF ANY TERRORIST, AS
35 DEFINED IN SUBDIVISION ONE OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS
36 ARTICLE, ON COMMUNITY SUPERVISION OR PROBATION.

37 10. SHARING OF CONVICTION DATA AND PERSONAL INFORMATION. UPON RECEIPT
38 OF THE CONVICTION DATA AND PERSONAL INFORMATION OF THE TERRORIST, IN
39 ACCORDANCE WITH SUBDIVISION NINE OF THIS SECTION, THE DIVISION SHALL
40 IMMEDIATELY TRANSMIT SUCH CONVICTION DATA AND PERSONAL INFORMATION TO
41 THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THE FEDERAL
42 BUREAU OF INVESTIGATION, AND THE UNITED STATE DEPARTMENT OF HOMELAND
43 SECURITY.

44 S 169-L. DURATION OF REGISTRATION AND VERIFICATION. THE DURATION OF
45 REGISTRATION OF A TERRORIST ADDED TO THE NEW YORK STATE TERRORIST REGIS-
46 TRY SHALL BE FOR LIFE, AND THE DUTY AND OBLIGATION TO PROVIDE VERIFICA-
47 TION BY SUCH TERRORIST SHALL BE QUARTERLY FOR LIFE.

48 S 169-M. NOTIFICATION OF CHANGE OF ADDRESS. 1. DUTY AND OBLIGATION TO
49 NOTIFY DIVISION OF CHANGE OF ADDRESS. IN ACCORDANCE WITH SUBDIVISION
50 FIVE OF SECTION ONE HUNDRED SIXTY-NINE-H OF THIS ARTICLE, ANY TERRORIST
51 ADDED TO THE NEW YORK STATE TERRORIST REGISTRY WHO IS A RESIDENT OF NEW
52 YORK STATE SHALL, IN ADDITION TO ANY OTHER INFORMATION REQUIRED BY THIS
53 ARTICLE, REGISTER HIS OR HER CURRENT RESIDENTIAL ADDRESS AND THE ADDRESS
54 OF HIS OR HER PLACE OF EMPLOYMENT OR EDUCATIONAL INSTITUTION ATTENDED
55 WITH THE DIVISION, AND SHALL NOTIFY THE DIVISION OF ANY CHANGE OF RESI-

1 DENCE, EMPLOYMENT OR EDUCATIONAL INSTITUTION ADDRESS IN ACCORDANCE WITH
2 THE PROVISIONS OF THIS ARTICLE.

3 2. NOTIFICATION OF LOCAL LAW ENFORCEMENT. UPON RECEIPT OF A CHANGE OF
4 ADDRESS BY A TERRORIST REQUIRED TO REGISTER UNDER THIS ARTICLE, IN
5 ACCORDANCE WITH SUBDIVISION ONE OF THIS SECTION, THE DIVISION SHALL
6 IMMEDIATELY NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION
7 OF THE NEW PLACE OF RESIDENCE, PLACE OF EMPLOYMENT OR PLACE OF EDUCA-
8 TIONAL INSTITUTION ATTENDED, AND THE LOCAL LAW ENFORCEMENT AGENCY HAVING
9 JURISDICTION WHERE THE TERRORIST LAST RESIDED, WORKED OR ATTENDED EDUCA-
10 TIONAL INSTRUCTION, OF SUCH CHANGE OF ADDRESS.

11 3. REQUIREMENTS OF LOCAL LAW ENFORCEMENT. UPON RECEIPT OF THE CHANGE
12 OF ADDRESS INFORMATION FROM THE DIVISION, SENT TO THE LAW ENFORCEMENT
13 AGENCY HAVING JURISDICTION, IN ACCORDANCE WITH SUBDIVISION TWO OF THIS
14 SECTION, THE LOCAL LAW ENFORCEMENT AGENCY HAVING JURISDICTION SHALL
15 ADHERE TO ALL THE PROVISIONS AND REQUIREMENTS SET FORTH IN THIS ARTICLE.

16 4. NOTIFICATION OF OTHER JURISDICTIONS. THE DIVISION SHALL, IF THE
17 TERRORIST CHANGES HIS OR HER RESIDENCE TO ANOTHER STATE OR NATION, NOTI-
18 FY THE APPROPRIATE AGENCY WITHIN THAT STATE OR NATION OF THE NEW PLACE
19 OF RESIDENCE.

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

37 2. SHARING OF INFORMATION WITH OTHER REGISTRY ENTITIES. THE DIVISION,
38 PURSUANT TO THIS SECTION, IS FURTHER AUTHORIZED TO SHARE THE NEW YORK
39 STATE TERRORIST REGISTRY, AND ALL OF ITS INFORMATION CONTAINED THEREIN,
40 WITH ANY OTHER STATE, REGIONAL OR NATIONAL REGISTRY OF TERRORISTS,
41 INCLUDING BUT NOT LIMITED TO, THE TERRORIST SCREENING DATABASE MAIN-
42 TAINED BY THE FEDERAL BUREAU OF INVESTIGATION'S TERRORIST SCREENING
43 CENTER, AND/OR ANY AND ALL OTHER DATABASES MAINTAINED BY THE DIVISION OF
44 THE STATE POLICE, AND/OR ANY AND ALL OTHER DATABASES MAINTAINED BY ANY
45 LOCAL, STATE, NATIONAL AND INTERNATIONAL LAW ENFORCEMENT ENTITIES,
46 AND/OR ANY OTHER ENTITY THAT MAINTAINS A CRIMINAL JUSTICE OR TERRORIST
47 DATABASE THAT THE DIVISION DEEMS APPROPRIATE TO ADVANCE THE PURPOSES OF
48 THIS ARTICLE. FOR THE PURPOSES OF THIS SECTION, THE SHARING OF INFORMA-
49 TION SHALL INCLUDE THE PROVISION OF INFORMATION FROM THE NEW YORK STATE
50 TERRORIST REGISTRY TO THE ENTITIES AUTHORIZED UNDER THIS SECTION, AS
51 WELL AS THE RECEIPT AND INCORPORATION OF INFORMATION INTO NEW YORK STATE
52 TERRORIST REGISTRY FROM THE ENTITIES AUTHORIZED UNDER THIS SECTION.

53 3. REVIEW OF REGISTRY FOR SECURE INFORMATION. THE DIVISION OF HOMELAND
54 SECURITY AND EMERGENCY SERVICES, PURSUANT TO THIS SECTION, IN CONSULTA-
55 TION WITH THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES AND
56 THE DIVISION OF STATE POLICE, SHALL REVIEW THE INFORMATION CONTAINED ON

1 THE NEW YORK STATE TERRORIST REGISTRY, AND SHALL DETERMINE WHETHER THE
2 DISCLOSURE OF ANY PARTICULAR INFORMATION CONTAINED ON THE REGISTRY MAY
3 CAUSE A SECURITY RISK TO THE PEOPLE OR PROPERTY OF THE STATE OF NEW
4 YORK. UPON THE REVIEW MADE IN ACCORDANCE WITH THIS SUBDIVISION, AND UPON
5 A DETERMINATION THAT ANY PARTICULAR INFORMATION NEEDS TO BE DEEMED
6 SECURE, THE DIVISION SHALL REMOVE SUCH SECURE INFORMATION FROM PUBLIC
7 ACCESSIBILITY, INCLUDING EXEMPTING SUCH INFORMATION FROM THE REQUIRE-
8 MENTS OF THE POSTING ON THE DIVISION'S WEBSITE, PURSUANT TO SECTION ONE
9 HUNDRED SIXTY-NINE-R OF THIS ARTICLE, OR PROVIDING OF SUCH INFORMATION
10 THROUGH THE SPECIAL TELEPHONE NUMBER IN ACCORDANCE WITH SECTION ONE
11 HUNDRED SIXTY-NINE-Q OF THIS ARTICLE. ANY INFORMATION DEEMED SECURE
12 PURSUANT TO THIS SUBDIVISION SHALL NOT BE SUBJECT TO THE PROVISIONS OF
13 THE NEW YORK STATE FREEDOM OF INFORMATION LAW PURSUANT TO ARTICLE SIX OF
14 THE PUBLIC OFFICERS LAW.

15 4. SECURE INFORMATION SHARABLE. IN NO EVENT SHALL A DETERMINATION MADE
16 BY THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THAT
17 PARTICULAR INFORMATION SHALL BE DEEMED SECURE, PURSUANT TO SUBDIVISION
18 THREE OF THIS SECTION, PREVENT THE DIVISION FROM SHARING SUCH SECURE
19 INFORMATION WITH ANY ENTITY IDENTIFIED FOR THE REGISTRY INFORMATION
20 SHARING PURSUANT TO THIS SECTION, BUT THE DIVISION MAY PLACE SHARING
21 RESTRICTIONS ON SUCH SECURE INFORMATION, AS DETERMINED BY THE DIVISION
22 OF HOMELAND SECURITY AND EMERGENCY SERVICES, WHEN SHARING SUCH SECURE
23 INFORMATION WITH OTHER AUTHORIZED SHARING ENTITIES, IN ACCORDANCE WITH
24 SUBDIVISION ONE AND TWO OF THIS SECTION, COULD RESULT IN THE INAPPROPRI-
25 ATE DISCLOSURE OF SUCH SECURE INFORMATION.

26 S 169-O. DNA AND FINGERPRINT CUSTODY AND ANALYSIS. 1. SECURE CUSTODIAL
27 COLLECTION. THE DIVISION, PURSUANT TO THIS SECTION, SHALL PROVIDE FOR
28 THE SECURE CUSTODIAL COLLECTION OF THE DNA SAMPLE AND FINGERPRINTS TAKEN
29 FROM THE TERRORIST BY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION,
30 THE CONFINEMENT ENTITY, OR THE DEPARTMENT OR OFFICE OF PROBATION AND
31 CORRECTIONAL ALTERNATIVES, IN ACCORDANCE WITH THE PROVISIONS OF THIS
32 ARTICLE. THE DIVISION SHALL FURTHER DEVELOP BY REGULATION, PROTOCOLS FOR
33 SUCH SECURE CUSTODIAL COLLECTION OF THE DNA SAMPLE AND FINGERPRINTS
34 COLLECTED FROM THE TERRORIST, AND SHALL MAKE AVAILABLE AN INFORMATION
35 PACKET TO EXPLAIN THE SECURE PROTOCOLS TO ALL LAW ENFORCEMENT AGENCIES
36 HAVING JURISDICTION, ALL CONFINEMENT ENTITIES, THE DEPARTMENT AND THE
37 OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES.

38 2. SECURE CUSTODIAL TRANSFER OF DNA. THE DIVISION, PURSUANT TO THIS
39 SECTION, SHALL PROVIDE FOR THE SECURE CUSTODIAL TRANSFER OF THE DNA
40 SAMPLE COLLECTED FROM THE TERRORIST BY THE LAW ENFORCEMENT AGENCY HAVING
41 JURISDICTION, THE CONFINEMENT ENTITY, THE DEPARTMENT, OR THE OFFICE OF
42 PROBATION AND CORRECTIONAL ALTERNATIVES, IN ACCORDANCE WITH THE
43 PROVISIONS OF THIS ARTICLE, TO THE LABORATORY MAINTAINED BY THE DIVISION
44 OF STATE POLICE, AND/OR ANY OTHER APPROVED DNA ANALYSIS ENTITY, AS
45 CONTRACTED WITH BY THE DIVISION, FOR THE PRESERVATION, STORAGE AND ANAL-
46 YSIS OF SUCH DNA SAMPLE.

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

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

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

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

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

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

13 2. PAYMENT OF FEES. ALL FEES CHARGED PURSUANT TO THIS SECTION SHALL BE
14 PAID TO THE DIVISION BY THE TERRORIST AT THE TIME AND MANNER PRESCRIBED
15 BY THE DIVISION.

16 3. WAIVER OF FEES. THE DIVISION MAY PROVIDE, ON A CASE BY CASE BASIS,
17 FOR A WAIVER OF ANY FEE TO BE CHARGED PURSUANT TO THIS SECTION, OR MAY
18 FURTHER AUTHORIZE, ON A CASE BY CASE BASIS, FOR A DELAYED OR INSTALLMENT
19 PAYMENT OF A FEE TO BE CHARGED PURSUANT TO THIS SECTION.

20 4. DEPOSIT AUTHORIZATION. THE STATE COMPTROLLER IS HEREBY AUTHORIZED
21 TO DEPOSIT ANY AND ALL FEES COLLECTED PURSUANT TO THIS SECTION INTO THE
22 GENERAL FUND.

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

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

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

34 (B) ASCERTAIN WHETHER SUCH NAMED INDIVIDUAL REASONABLY APPEARS TO BE A
35 PERSON LISTED ON THE REGISTRY, AND IN DECIDING WHETHER SUCH NAMED INDI-
36 VIDUAL REASONABLY APPEARS TO BE A PERSON LISTED ON THE REGISTRY, THE
37 DIVISION SHALL REQUIRE THE CALLER TO PROVIDE INFORMATION ON ANY THREE OF
38 THE FOLLOWING:

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

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

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

44 (IV) THE SOCIAL SECURITY NUMBER OR TAXPAYER IDENTIFICATION NUMBER OF
45 THE TERRORIST;

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

47 (VI) THE CRIME OF TERRORISM OR VERIFIABLE TERRORIST ACT COMMITTED BY
48 THE TERRORIST;

49 (VII) THE HAIR COLOR OR EYE COLOR OF THE TERRORIST;

50 (VIII) THE HEIGHT, WEIGHT, OR BUILD OF THE TERRORIST;

51 (IX) ANY DISTINCTIVE MARKINGS OR THE ETHNICITY OF THE TERRORIST;
52 AND/OR

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

54 (C) UPON ASCERTAINING THAT THE NAMED INDIVIDUAL REASONABLY APPEARS TO
55 BE A PERSON LISTED ON THE NEW YORK STATE TERRORIST REGISTRY BASED UPON
56 THE INFORMATION PROVIDED FROM THE CALLER IN ACCORDANCE WITH PARAGRAPH

1 (B) OF THIS SUBDIVISION, PROVIDE THE CALLER WITH THE FOLLOWING INFORMA-
2 TION:

3 (I) THE NAME OF THE TERRORIST;

4 (II) THE AGE, PHYSICAL DESCRIPTION AND ANY DISTINCTIVE MARKINGS OF THE
5 TERRORIST;

6 (III) THE EXACT RESIDENTIAL ADDRESS OF THE TERRORIST;

7 (IV) IF THE TERRORIST IS EMPLOYED, THE EXACT ADDRESS OF THE TERROR-
8 IST'S PLACE OF EMPLOYMENT;

9 (V) IF THE TERRORIST IS A STUDENT, THE EXACT ADDRESS OF THE EDUCA-
10 TIONAL INSTITUTION THE TERRORIST IS ATTENDING; AND

11 (VI) BACKGROUND INFORMATION ON THE TERRORIST, INCLUDING FOR EACH AND
12 EVERY TERRORIST INCIDENT INVOLVING THE TERRORIST, THE TERRORIST'S CRIME
13 OF CONVICTION, VERIFIABLE ACT OF TERRORISM, MODUS OF OPERATION, AND ANY
14 OTHER INFORMATION THE DIVISION DEEMS RELEVANT TO PROVIDE.

15 (D) PLAY, BEFORE A LIVE OPERATOR SPEAKS WITH THE CALLER, A RECORDED
16 PREAMBLE WHICH SHALL PROVIDE THE FOLLOWING NOTICES:

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

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

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

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

25 (V) THAT IT IS ILLEGAL TO USE INFORMATION OBTAINED THROUGH THE TELE-
26 PHONE NUMBER TO COMMIT A CRIME AGAINST ANY PERSON REGISTERED ON THE NEW
27 YORK STATE TERRORIST REGISTRY, OR TO ENGAGE IN ILLEGAL DISCRIMINATION OR
28 HARASSMENT AGAINST SUCH PERSON;

29 (VI) THAT THE CALLER IS REQUIRED TO HAVE THE IDENTIFYING INFORMATION
30 REQUIRED TO BE PROVIDED IN PARAGRAPH (B) OF THIS SUBDIVISION REGARDING
31 THE INDIVIDUAL ABOUT WHOM INFORMATION IS SOUGHT IN ORDER TO ACHIEVE A
32 POSITIVE IDENTIFICATION OF THAT PERSON;

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

36 (VIII) THAT AN INFORMATION PACKAGE, WHICH WILL INCLUDE A DESCRIPTION
37 OF THE LAW PERTAINING TO THE NEW YORK STATE TERRORIST REGISTRY, IS
38 AVAILABLE ONLINE ON THE DIVISION'S OFFICIAL WEBSITE, AND IN WRITING, BY
39 MAIL, UPON REQUEST FROM THE DIVISION.

40 3. MISUSE OF THE SPECIAL TELEPHONE NUMBER. WHENEVER THERE IS REASON-
41 ABLE CAUSE TO BELIEVE THAT ANY PERSON OR GROUP OF PERSONS IS ENGAGED IN
42 A PATTERN OR PRACTICE OF MISUSE OF THE SPECIAL TELEPHONE NUMBER, THE
43 ATTORNEY GENERAL, ANY DISTRICT ATTORNEY OR ANY PERSON AGGRIEVED BY THE
44 MISUSE OF THE NUMBER IS AUTHORIZED TO BRING A CIVIL ACTION IN THE APPRO-
45 PRIATE COURT REQUESTING PREVENTIVE RELIEF, INCLUDING AN APPLICATION FOR
46 A PERMANENT OR TEMPORARY INJUNCTION, RESTRAINING ORDER OR OTHER ORDER
47 AGAINST THE PERSON OR GROUP OF PERSONS RESPONSIBLE FOR THE PATTERN OR
48 PRACTICE OF MISUSE, AND THE FOREGOING REMEDIES SHALL BE INDEPENDENT OF
49 ANY OTHER REMEDIES OR PROCEDURES THAT MAY BE AVAILABLE TO AN AGGRIEVED
50 PARTY UNDER OTHER PROVISIONS OF LAW, AND SUCH PERSON OR GROUP OF PERSONS
51 SHALL BE SUBJECT TO A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS AND NOT
52 MORE THAN ONE THOUSAND DOLLARS.

53 4. REPORT OF CALL ACTIVITY. THE DIVISION SHALL, ON OR BEFORE THE
54 FIRST OF SEPTEMBER IN EACH YEAR, FILE A REPORT WITH THE GOVERNOR, THE
55 TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF THE STATE ASSEMBLY,
56 THE CHAIR OF THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURI-

1 TY AND MILITARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY STANDING COMMIT-
2 TEE ON GOVERNMENTAL OPERATIONS, ON THE OPERATION OF THE TELEPHONE
3 NUMBER, AND SUCH ANNUAL REPORT SHALL INCLUDE, BUT NOT BE LIMITED TO, ALL
4 OF THE FOLLOWING:

5 (A) THE NUMBER OF CALLS RECEIVED;
6 (B) A DETAILED OUTLINE OF THE AMOUNT OF MONEY EXPENDED AND THE MANNER
7 IN WHICH IT WAS EXPENDED FOR PURPOSES OF THIS SECTION;
8 (C) THE NUMBER OF CALLS THAT RESULTED IN AN AFFIRMATIVE RESPONSE AND
9 THE NUMBER OF CALLS THAT RESULTED IN A NEGATIVE RESPONSE WITH REGARD TO
10 WHETHER A NAMED INDIVIDUAL WAS LISTED;

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

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

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

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

24 6. ADVERTISEMENT OF SPECIAL TELEPHONE NUMBER. THE DIVISION SHALL
25 PROVIDE FOR THE ADVERTISEMENT OF THE SPECIAL TELEPHONE NUMBER ESTAB-
26 LISHED PURSUANT TO THIS SECTION, INCLUDING BUT NOT LIMITED TO THE POST-
27 ING OF SUCH NUMBER ON ITS OFFICIAL WEBSITE, AND THE OFFICIAL WEBSITE OF
28 THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES.

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

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

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

35 (I) THE NAME OF THE TERRORIST;

36 (II) THE AGE, PHYSICAL DESCRIPTION AND ANY DISTINCTIVE MARKINGS OF THE
37 TERRORIST;

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

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

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

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

45 (VII) BACKGROUND INFORMATION ON THE TERRORIST, INCLUDING EACH AND
46 EVERY TERRORIST INCIDENT INVOLVING THE TERRORIST, THE TERRORIST'S CRIME
47 OF CONVICTION, VERIFIABLE ACT OF TERRORISM, MODUS OF OPERATION, AND ANY
48 OTHER INFORMATION THE DIVISION DEEMS RELEVANT TO PROVIDE;

49 (B) HAVE TERRORIST LISTINGS CATEGORIZED BY COUNTY AND ZIP CODE; AND

50 (C) BE MADE AVAILABLE AT ALL TIMES ON THE INTERNET VIA THE DIVISION'S
51 OFFICIAL HOMEPAGE, WITH A LINK TO CONNECT TO SUCH DIRECTORY ALSO APPEAR-
52 ING ON THE OFFICIAL HOMEPAGE OF THE DIVISION OF HOMELAND SECURITY AND
53 EMERGENCY SERVICES.

54 2. AUTOMATED E-MAIL NOTIFICATIONS. ANY PERSON MAY APPLY TO THE DIVI-
55 SION TO RECEIVE AUTOMATED E-MAIL NOTIFICATIONS WHENEVER A NEW OR UPDATED
56 REGISTRATION OCCURS ON THE NEW YORK STATE TERRORIST REGISTRY, IN THE

1 GEOGRAPHIC AREA SPECIFIED BY SUCH PERSON, BUT UNLESS THE APPLICANT IS AN
2 EMPLOYEE OR ENTITY OF A STATE, LOCAL OR FEDERAL GOVERNMENT, ACTING IN
3 THEIR OFFICIAL CAPACITY, SUCH E-MAIL NOTIFICATIONS SHALL BE LIMITED TO
4 THREE GEOGRAPHIC AREAS PER E-MAIL ACCOUNT.

5 3. NO CHARGE FOR THE USE OF THE DIRECTORY. THE DIVISION SHALL NOT
6 CHARGE FOR ACCESS TO THE INTERNET DIRECTORY NOR FOR THE RECEIPT OF
7 E-MAIL NOTIFICATIONS.

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

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

25 6. ADVERTISEMENT OF INTERNET DIRECTORY. THE DIVISION SHALL PROVIDE FOR
26 THE ADVERTISEMENT OF THE INTERNET DIRECTORY ESTABLISHED PURSUANT TO THIS
27 SECTION, INCLUDING BUT NOT LIMITED TO THE LISTING OF SUCH WEBSITE
28 ADDRESS ON ITS RECORDED MESSAGE FOR THE SPECIAL TELEPHONE NUMBER, AND
29 THE POSTING OF A LINK TO SUCH INTERNET DIRECTORY ON THE OFFICIAL WEBSITE
30 OF THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES.

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

33 S 169-S. IMMUNITY FROM LIABILITY. 1. NO OFFICIAL, EMPLOYEE OR AGENCY,
34 WHETHER PUBLIC OR PRIVATE, SHALL BE SUBJECT TO ANY CIVIL OR CRIMINAL
35 LIABILITY FOR DAMAGES FOR ANY DISCRETIONARY DECISION TO RELEASE RELEVANT
36 AND NECESSARY INFORMATION PURSUANT TO THIS ARTICLE, UNLESS IT IS SHOWN
37 THAT SUCH OFFICIAL, EMPLOYEE OR AGENCY ACTED WITH GROSS NEGLIGENCE OR IN
38 BAD FAITH. THE IMMUNITY PROVIDED UNDER THIS SECTION APPLIES TO THE
39 RELEASE OF RELEVANT INFORMATION TO OTHER STATE, LOCAL AND/OR FEDERAL
40 EMPLOYEES OR OFFICIALS, OR TO THE GENERAL PUBLIC.

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

47 S 169-T. ANNUAL REPORT. THE DIVISION SHALL, ON OR BEFORE THE FIRST OF
48 SEPTEMBER IN EACH YEAR, FILE A REPORT WITH THE GOVERNOR, THE TEMPORARY
49 PRESIDENT OF THE SENATE, THE SPEAKER OF THE STATE ASSEMBLY, THE CHAIR OF
50 THE SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILI-
51 TARY AFFAIRS, AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON
52 GOVERNMENTAL OPERATIONS, DETAILING THE NEW YORK STATE TERRORIST REGISTRY
53 PROGRAM ESTABLISHED BY THIS ARTICLE, THE DIVISION'S EXPERIENCE CONCERN-
54 ING COMPLIANCE WITH PROVISIONS OF THIS ARTICLE, AND THE DIVISION'S EXPE-
55 RIENCE CONCERNING THE EFFECTIVENESS OF THIS ARTICLE, TOGETHER WITH ANY

1 RECOMMENDATIONS THE DIVISION MAY HAVE TO FURTHER ENHANCE THE INTENT OF
2 THIS ARTICLE.

3 S 169-U. PENALTY. ANY TERRORIST REQUIRED TO REGISTER, OR TO PROVIDE
4 INFORMATION OR SUPPLEMENTAL INFORMATION, OR VERIFICATION, PURSUANT TO
5 THE PROVISIONS OF THIS ARTICLE, OR WHO FAILS TO REGISTER OR TO PROVIDE
6 INFORMATION, OR SUPPLEMENTAL INFORMATION, OR VERIFICATION, IN THE MANNER
7 AND WITHIN THE TIME PERIODS PROVIDED FOR IN THIS ARTICLE, SHALL BE GUIL-
8 TY OF A CLASS A-I FELONY, PURSUANT TO SECTION 490.23 OF THE PENAL LAW.
9 ANY SUCH FAILURE TO REGISTER OR TO PROVIDE INFORMATION, OR SUPPLEMENTAL
10 INFORMATION, OR VERIFICATION, PURSUANT TO THE PROVISIONS OF THIS ARTI-
11 CLE, MAY ALSO BE THE BASIS FOR REVOCATION OF PAROLE PURSUANT TO SECTION
12 TWO HUNDRED FIFTY-NINE-I OF THE EXECUTIVE LAW, OR THE BASIS FOR REVOCATION
13 OF PROBATION PURSUANT TO ARTICLE FOUR HUNDRED TEN OF THIS CHAPTER.

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

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

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

43 3. NOTIFICATION OF THE GOVERNOR AND THE LEGISLATURE. NOT LATER THAN
44 THE FIRST DAY OF MARCH, THE STATE COMPTROLLER AND THE DIRECTOR OF THE
45 BUDGET SHALL NOTIFY THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE,
46 AND THE SPEAKER OF THE ASSEMBLY, OF THE FISCAL AMOUNTS REQUESTED IN
47 APPLICATIONS FOR REIMBURSEMENT FOR COSTS INCURRED BY LOCAL GOVERNMENTS
48 UNDER THIS SECTION, AND THE FISCAL AMOUNTS OF APPLICATIONS FOR INCREASES
49 IN STATE AGENCIES' BUDGETS UNDER THIS SECTION, DURING THE PREVIOUS
50 TWELVE MONTHS, WITH SUCH NOTIFICATION IDENTIFYING THE LOCAL GOVERNMENTS
51 AND THE STATE AGENCIES THAT HAVE MADE SUCH APPLICATIONS.

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

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

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

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

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

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

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

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

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

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

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

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

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

29 (C) ALL OTHER MONIES, FEES, FINES, GRANTS, BEQUESTS OR OTHER MONIES
30 CREDITED, APPROPRIATED OR TRANSFERRED THERETO FROM ANY OTHER FUND OR
31 SOURCE.

32 3. MONIES OF THE TERRORIST REGISTRY FUNDS MANAGEMENT ACCOUNT, FOLLOW-
33 ING APPROPRIATION BY THE LEGISLATURE AND ALLOCATION BY THE DIRECTOR OF
34 THE BUDGET, SHALL BE MADE AVAILABLE FOR LOCAL GOVERNMENTS AND STATE
35 AGENCIES PROVIDING SERVICES PURSUANT TO ARTICLE SIX-D OF THE CORRECTION
36 LAW.

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