

2457

2015-2016 Regular Sessions

I N S E N A T E

January 23, 2015

Introduced by Sens. GIANARIS, AVELLA, STAVISKY -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

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

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

1 Section 1. Subdivision 6 of section 168-b of the correction law, as
2 amended by chapter 106 of the laws of 2006, is amended to read as
3 follows:
4 6. The division shall also establish a [subdirectory] DIRECTORY pursu-
5 ant to section one hundred sixty-eight-q of this article.
6 S 2. Paragraphs (a), (b) and (c) of subdivision 6 of section 168-l of
7 the correction law, paragraph (a) as amended by chapter 106 of the laws
8 of 2006, paragraph (b) as amended by chapter 513 of the laws of 2011 and
9 paragraph (c) as separately amended by chapters 318 and 680 of the laws
10 of 2005, are amended to read as follows:
11 (a) If the risk of repeat offense is low, a level one designation
12 shall be given to such sex offender. In such case the law enforcement
13 agency or agencies having jurisdiction and the law enforcement agency or
14 agencies having had jurisdiction at the time of his or her conviction
15 shall be notified and may disseminate relevant information which may
16 include a photograph and description of the offender and which may
17 include the name of the sex offender, approximate address based on sex
18 offender's zip code, background information including the offender's
19 crime of conviction, modus of operation, type of victim targeted, the
20 name and address of any institution of higher education at which the sex
21 offender is enrolled, attends, is employed or resides and the
22 description of special conditions imposed on the offender to any entity
23 with vulnerable populations related to the nature of the offense commit-
24 ted by such sex offender. Any entity receiving information on a sex
25 offender may disclose or further disseminate such information at its
26 discretion. IN ADDITION, IN EACH SUCH CASE, THE NAME OF THE SEX OFFEN-
27 DER, A PHOTOGRAPH OF THE SEX OFFENDER AND APPROXIMATE ADDRESS BASED ON

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

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1 THE SEX OFFENDER'S ZIP CODE SHALL ALSO BE PROVIDED IN THE DIRECTORY
2 ESTABLISHED IN THIS ARTICLE.

3 (b) If the risk of repeat offense is moderate, a level two designation
4 shall be given to such sex offender. In such case the law enforcement
5 agency or agencies having jurisdiction and the law enforcement agency or
6 agencies having had jurisdiction at the time of his or her conviction
7 shall be notified and may disseminate relevant information which shall
8 include a photograph and description of the offender and which may
9 include the exact name and any aliases used by the sex offender, exact
10 address, background information including the offender's crime of
11 conviction, mode of operation, type of victim targeted, the name and
12 address of any institution of higher education at which the sex offender
13 is enrolled, attends, is employed or resides and the description of
14 special conditions imposed on the offender to any entity with vulnerable
15 populations related to the nature of the offense committed by such sex
16 offender. Any entity receiving information on a sex offender may
17 disclose or further disseminate such information at its discretion. In
18 addition, in such case, the information described [herein] IN THIS PARA-
19 GRAPH shall also be provided in the [subdirectory] DIRECTORY established
20 in this article and notwithstanding any other provision of law, such
21 information shall, upon request, be made available to the public.

22 Such law enforcement agencies shall compile, maintain and update a
23 listing of vulnerable organizational entities within its jurisdiction.
24 Such listing shall be utilized for notification of such organizations in
25 disseminating such information on level two sex offenders pursuant to
26 this paragraph. Such listing shall include and not be limited to:
27 superintendents of schools or chief school administrators, superinten-
28 dents of parks, public and private libraries, public and private school
29 bus transportation companies, day care centers, nursery schools, pre-
30 schools, neighborhood watch groups, community centers, civic associ-
31 ations, nursing homes, victim's advocacy groups and places of worship.

32 (c) If the risk of repeat offense is high and there exists a threat to
33 the public safety a level three designation shall be given to such sex
34 offender. In such case, the law enforcement agency or agencies having
35 jurisdiction and the law enforcement agency or agencies having had
36 jurisdiction at the time of his or her conviction shall be notified and
37 may disseminate relevant information which shall include a photograph
38 and description of the offender and which may include the sex offender's
39 exact name and any aliases used by the offender, exact address, address
40 of the offender's place of employment, background information including
41 the offender's crime of conviction, mode of operation, type of victim
42 targeted, the name and address of any institution of higher education at
43 which the sex offender is enrolled, attends, is employed or resides and
44 the description of special conditions imposed on the offender to any
45 entity with vulnerable populations related to the nature of the offense
46 committed by such sex offender. Any entity receiving information on a
47 sex offender may disclose or further disseminate such information at its
48 discretion. In addition, in such case, the information described [here-
49 in] IN THIS PARAGRAPH shall also be provided in the [subdirectory]
50 DIRECTORY established in this article and notwithstanding any other
51 provision of law, such information shall, upon request, be made avail-
52 able to the public.

53 Such law enforcement agencies shall compile, maintain and update a
54 listing of vulnerable organizational entities within its jurisdiction.
55 Such listing shall be utilized for notification of such organizations in
56 disseminating such information on level three sex offenders pursuant to

1 this paragraph. Such listing shall include and not be limited to:
2 superintendents of schools or chief school administrators, superinten-
3 dents of parks, public and private libraries, public and private school
4 bus transportation companies, day care centers, nursery schools, pre-
5 schools, neighborhood watch groups, community centers, civic associ-
6 ations, nursing homes, victim's advocacy groups and places of worship.

7 S 3. The section heading and subdivision 1 of section 168-q of the
8 correction law, the section heading as amended by chapter 106 of the
9 laws of 2006 and subdivision 1 as amended by chapter 462 of the laws of
10 2014, are amended to read as follows:

11 [Subdirectory] DIRECTORY; internet posting. 1. The division shall
12 maintain a [subdirectory of level two and three sex offenders. The
13 subdirectory] DIRECTORY WHICH SHALL BE MADE AVAILABLE AT ALL TIMES ON
14 THE INTERNET VIA THE DIVISION HOMEPAGE FOR PURPOSES OF PUBLIC ACCESS.

15 (A) IN THE CASE OF A SEX OFFENDER WHO HAS BEEN GIVEN A LEVEL ONE
16 DESIGNATION, THE DIRECTORY SHALL INCLUDE THE NAME OF THE SEX OFFENDER, A
17 PHOTOGRAPH OF THE SEX OFFENDER AND APPROXIMATE ADDRESS BASED ON THE SEX
18 OFFENDER'S ZIP CODE.

19 (B) IN THE CASE OF A SEX OFFENDER WHO HAS BEEN GIVEN A LEVEL TWO OR
20 THREE DESIGNATION, THE DIRECTORY shall include the exact address,
21 address of the offender's place of employment and photograph of the sex
22 offender along with the following information, if available: name, phys-
23 ical description, age and distinctive markings. Background information
24 including all of the sex offender's crimes of conviction that require
25 him or her to register pursuant to this article, modus of operation,
26 type of victim targeted, the name and address of any institution of
27 higher education at which the sex offender is enrolled, attends, is
28 employed or resides and a description of special conditions imposed on
29 the sex offender shall also be included. [The subdirectory shall have
30 sex offender listings categorized by county and zip code. Such subdirec-
31 tory shall be made available at all times on the internet via the divi-
32 sion homepage. Any person may apply to the division to receive automated
33 e-mail notifications whenever a new or updated subdirectory registration
34 occurs in a geographic area specified by such person. The division shall
35 furnish such service at no charge to such person, who shall request
36 e-mail notification by county and/or zip code on forms developed and
37 provided by the division. E-mail notification is limited to three
38 geographic areas per e-mail account.]

39 (C) THE DIVISION SHALL, ON ITS INTERNET HOMEPAGE, PROVIDE A MEANS FOR
40 ANY PERSON TO REGISTER TO RECEIVE NOTICE AT SUCH PERSON'S ELECTRONIC
41 MAIL ADDRESS OF ALL SEX OFFENDERS WHO RESIDE OR MOVE INTO THE AREA
42 ENCOMPASSED BY SUCH PERSON'S ZIP CODE. THE DIVISION SHALL PROVIDE TIMELY
43 NOTICE BY ELECTRONIC MAIL TO EACH PERSON WHO REGISTERS PURSUANT TO THIS
44 PARAGRAPH OF EVERY SEX OFFENDER RESIDING IN AND OF EVERY SEX OFFENDER
45 WHO MOVES INTO THE PERSON'S ZIP CODE. SUCH NOTICE SHALL INCLUDE ALL
46 INFORMATION AUTHORIZED TO BE DISCLOSED ON EACH SUCH SEX OFFENDER PURSU-
47 ANT TO PARAGRAPH (A) OR (B) OF THIS SUBDIVISION.

48 S 4. This act shall take effect on the one hundred eightieth day after
49 it shall have become a law; provided, that if chapter 462 of the laws of
50 2014 shall not have taken effect on or before such effective date, the
51 amendments to subdivision 1 of section 168-q of the correction law, made
52 by section three of this act, shall take effect on the effective date of
53 such chapter.