

3464

2015-2016 Regular Sessions

I N S E N A T E

February 10, 2015

Introduced by Sen. CROCI -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the executive law, the correction law and the penal 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.

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

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

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1 S 3. The executive law is amended by adding a new section 232 to read
2 as follows:

3 S 232. TERRORIST REGISTRY INFORMATION SHARING. 1. UPON REQUEST, THE
4 DIVISION OF CRIMINAL JUSTICE SERVICES SHALL PROVIDE ANY AND ALL INFORMA-
5 TION IT OBTAINS, ON ANY TERRORIST REQUIRED TO BE REGISTERED PURSUANT TO
6 ARTICLE SIX-D OF THE CORRECTION LAW, TO THE DIVISION OF STATE POLICE,
7 AND THE PROVISION OF SUCH INFORMATION SHALL BE IN THE FORM AND MANNER AS
8 THE DIVISION OF STATE POLICE MAY SO REQUEST.

9 2. UPON REQUEST, THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL
10 FURTHER REGULARLY SUPPLEMENT THE INFORMATION PROVIDED PURSUANT TO SUBDI-
11 VISION ONE OF THIS SECTION, SO AS TO DELIVER ANY NEW, DIFFERENT, OR
12 ADDITIONAL INFORMATION NOT PREVIOUSLY PROVIDED TO THE DIVISION OF STATE
13 POLICE.

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

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

23 ARTICLE 6-D

24 TERRORIST REGISTRY

25 SECTION 169-A. LEGISLATIVE FINDINGS.

26 169-B. DEFINITIONS.

27 169-C. DUTIES OF THE DIVISION.

28 169-D. REGISTRATION INFORMATION.

29 169-E. REGISTRANT NOTIFICATION.

30 169-F. STANDARDIZED REGISTRATION FORM.

31 169-G. STANDARDIZED VERIFICATION FORM.

32 169-H. INVESTIGATION OF POTENTIAL REGISTRANTS.

33 169-I. INITIAL ASSEMBLY OF THE REGISTRY.

34 169-J. DUTIES OF THE COURT.

35 169-K. DISCHARGE OF A TERRORIST FROM CORRECTIONAL FACILITY;
36 DUTIES OF OFFICIAL IN CHARGE.

37 169-L. REGISTRATION AND VERIFICATION OF TERRORISTS.

38 169-M. PRIOR CONVICTIONS; DUTY TO INFORM AND REGISTER.

39 169-N. DURATION OF REGISTRATION AND VERIFICATION.

40 169-O. NOTIFICATION OF CHANGE OF ADDRESS.

41 169-P. REGISTRY INFORMATION SHARING.

42 169-Q. DNA AND FINGERPRINT CUSTODY AND ANALYSIS.

43 169-R. REGISTRY AND VERIFICATION FEES.

44 169-S. SPECIAL TELEPHONE NUMBER.

45 169-T. INTERNET DIRECTORY.

46 169-U. IMMUNITY FROM LIABILITY.

47 169-V. ANNUAL REPORT.

48 169-W. PENALTY.

49 169-X. UNAUTHORIZED RELEASE OF INFORMATION.

50 169-Y. SEPARABILITY.

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

54 THE LEGISLATURE ADDITIONALLY FINDS AND DETERMINES, THAT IT IS THE
55 FIRST RESPONSIBILITY OF ANY GOVERNMENT TO PROVIDE FOR THE PUBLIC

1 PROTECTION AND SAFETY OF ITS CITIZENS, AND THAT IN ORDER TO ASSURE SUCH
2 PUBLIC PROTECTION AND SAFETY, NEW YORK MUST TAKE ACTIVE STEPS TO ADVANCE
3 A PROGRAM OF PREVENTION OF, RESPONSE TO, AND RECOVERY FROM, TERRORIST
4 ATTACKS.

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

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

18 S 169-B. DEFINITIONS. AS USED IN THIS ARTICLE, THE FOLLOWING DEFINI-
19 TIONS SHALL APPLY:

20 1. "TERRORIST" MEANS ANY PERSON WHO IS CONVICTED OF ANY TERRORIST
21 OFFENSE SET FORTH IN SUBDIVISION TWO OF THIS SECTION, AND/OR WHO HAS
22 ENGAGED IN ANY VERIFIABLE ACT OF TERRORISM PURSUANT TO SUBDIVISION THREE
23 OF THIS SECTION.

24 2. "TERRORIST OFFENSE" MEANS ANY OFFENSE:

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

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

29 (C) SET FORTH IN SECTIONS 32, 37, 81, 175, 175B, 229, 351, 831, 844
30 (F), 844 (I), 930 (C), 956, 1038, 1114, 1116, 1203, 1362, 1363, 1366,
31 1751, 1992, 1993, 2155, 2280, 2281, 2332, 2332A, 2332B, 2332C, 2332D,
32 2332E, 2332F, 2332G, 2332H, 2339, 2339A, 2339B, 2339C, AND/OR 2339D OF
33 TITLE 18 OF THE UNITED STATES CODE;

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

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

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

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

43 (A) DEPORTED, OR TRANSPORTED, TO A COUNTRY OTHER THAN THE UNITED
44 STATES, BY THE UNITED STATES GOVERNMENT, OR ANY DEPARTMENT OR AGENCY
45 THEREOF, UPON SUSPICION OR PROOF OF INVOLVEMENT IN TERRORIST ACTIVITIES,
46 OR THE HARBORING, SUPPORT AND/OR PROMOTION OF TERRORISTS OR TERRORIST
47 ACTIVITIES;

48 (B) DETAINED AT ANY TIME BY THE ARMED FORCES OF THE UNITED STATES, ANY
49 OTHER GOVERNMENT AGENCY OF THE UNITED STATES, OR ANY CONTRACTOR OF THE
50 GOVERNMENT OF THE UNITED STATES THAT IS AUTHORIZED TO MAKE SUCH
51 DETENTIONS, ON THE GROUNDS THAT SUCH PERSON WAS AT ANY TIME, A FOREIGN
52 ENEMY COMBATANT OR AN ILLEGAL ENEMY COMBATANT;

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

1 (D) LISTED BY THE FEDERAL BUREAU OF INVESTIGATION'S TERRORIST SCREEN-
2 ING CENTER ON THE TERRORIST SCREENING DATABASE; AND/OR

3 (E) IDENTIFIED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY,
4 THE UNITED STATES DEPARTMENT OF STATE, THE UNITED STATES DEPARTMENT OF
5 JUSTICE, THE UNITED STATES DEPARTMENT OF DEFENSE OR ANY OF ITS ARMED
6 SERVICES, THE UNITED STATES CENTRAL INTELLIGENCE AGENCY, AND/OR THE
7 OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE, AS A PERSON WHO HAS
8 COMMITTED A TERRORIST ACT AGAINST THE UNITED STATES OR ANY OF ITS CITI-
9 ZENS, AND/OR WHO IS A MEMBER OF A DESIGNATED TERRORIST ORGANIZATION
10 PURSUANT TO SECTION 1189 OF TITLE 8 OF THE UNITED STATES CODE.

11 4. "TERRORIST INCIDENT" MEANS ANY INCIDENT WHICH WAS THE BASIS OF A
12 CONVICTION FOR ANY TERRORIST OFFENSE, AS DEFINED BY SUBDIVISION TWO OF
13 THIS SECTION, OR ANY INCIDENT WHICH WAS THE BASIS FOR A VERIFIABLE ACT
14 OF TERRORISM, AS DEFINED BY SUBDIVISION THREE OF THIS SECTION.

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

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

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

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

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

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

31 7. "HOSPITAL" MEANS A HOSPITAL AS DEFINED IN SUBDIVISION TWO OF
32 SECTION FOUR HUNDRED OF THIS CHAPTER AND APPLIES TO PERSONS COMMITTED TO
33 SUCH HOSPITAL BY ORDER OF COMMITMENT MADE PURSUANT TO ARTICLE SIXTEEN OF
34 THIS CHAPTER.

35 8. "LOCAL CORRECTIONAL FACILITY" MEANS THE LOCAL CORRECTIONAL FACILITY
36 AS THAT TERM IS DEFINED IN SUBDIVISION SIXTEEN OF SECTION TWO OF THIS
37 CHAPTER.

38 9. "PROBATION" MEANS A SENTENCE OF PROBATION IMPOSED PURSUANT TO ARTI-
39 CLE SIXTY-FIVE OF THE PENAL LAW AND SHALL INCLUDE A SENTENCE OF IMPRI-
40 SONMENT IMPOSED IN CONJUNCTION WITH A SENTENCE OF PROBATION.

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

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

49 12. "INTERNET IDENTIFIERS" MEANS ANY ELECTRONIC MAIL ADDRESSES AND
50 DESIGNATIONS USED FOR THE PURPOSES OF CHAT, INSTANT MESSAGING, SOCIAL
51 NETWORKING OR OTHER SIMILAR INTERNET COMMUNICATION.

52 13. "CELLULAR SERVICE PROVIDER" MEANS ANY BUSINESS, ORGANIZATION OR
53 OTHER ENTITY ENGAGED IN THE BUSINESS OF PROVIDING CELLULAR TELEPHONE OR
54 DEVICE SERVICE THROUGH WHICH A CUSTOMER MAY MAKE CELLULAR TELEPHONE
55 CALLS OR OBTAIN ACCESS TO THE INTERNET, BUT DOES NOT INCLUDE A BUSINESS,

1 ORGANIZATION OR OTHER ENTITY TO THE EXTENT THAT IT PROVIDES ONLY LAND
2 LINE OR CABLE TELECOMMUNICATIONS SERVICES.

3 14. "CELLULAR CALL TRACKERS" MEANS ANY TRACKERS, ELECTRONIC RECORDS
4 AND/OR ELECTRONIC DEVICES, EQUIPMENT, HARDWARE AND/OR SOFTWARE USED FOR
5 THE PURPOSES OF TRACKING, MONITORING, INTERCEPTING, CAPTURING, RECORDING
6 OR LISTENING TO CELLULAR PHONE CALLS, AND/OR EMAILS SENT OR RECEIVED ON
7 A CELLULAR DEVICE, AND/OR TEXT MESSAGES SENT OR RECEIVED ON A CELLULAR
8 DEVICE.

9 15. "REGISTRY" MEANS THE NEW YORK STATE TERRORIST REGISTRY ESTABLISHED
10 AND MAINTAINED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO
11 THIS ARTICLE.

12 16. "REGISTRANT" MEANS A TERRORIST THAT UPON INVESTIGATION PURSUANT TO
13 SECTION ONE HUNDRED SIXTY-NINE-H OF THIS ARTICLE, THE DIVISION HAS
14 DETERMINED SHALL BE REQUIRED TO REGISTER WITH, AND BE ADDED TO, THE NEW
15 YORK STATE TERRORIST REGISTRY.

16 S 169-C. DUTIES OF THE DIVISION. 1. TERRORIST REGISTRY. THE DIVISION
17 SHALL ESTABLISH AND MAINTAIN AN INFORMATION FILE ON ALL TERRORISTS
18 REQUIRED TO REGISTER PURSUANT TO THE PROVISIONS OF THIS ARTICLE, WHICH
19 SHALL INCLUDE ALL THE INFORMATION SET FORTH IN SECTION ONE HUNDRED
20 SIXTY-NINE-D OF THIS ARTICLE, AND WHICH SHALL BE KNOWN AS THE NEW YORK
21 STATE TERRORIST REGISTRY.

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

28 3. INITIAL ASSEMBLY OF THE REGISTRY. THE DIVISION, PURSUANT TO SECTION
29 ONE HUNDRED SIXTY-NINE-I OF THIS ARTICLE, SHALL CONDUCT INVESTIGATIONS
30 TO DETERMINE WHAT TERRORISTS SHALL BE INITIALLY ADDED TO THE REGISTRY,
31 AND UPON SUCH INVESTIGATIONS AND DETERMINATIONS, IN ACCORDANCE WITH
32 SECTION ONE HUNDRED SIXTY-NINE-H OF THIS ARTICLE, SHALL ADD SUCH TERROR-
33 ISTS TO THE NEW YORK STATE TERRORIST REGISTRY.

34 4. INVESTIGATIONS OF POTENTIAL REGISTRANTS. THE DIVISION, IN ACCORD-
35 ANCE WITH SECTION ONE HUNDRED SIXTY-NINE-H OF THIS ARTICLE, SHALL MAKE
36 REGULAR INVESTIGATIONS TO DETERMINE WHAT TERRORISTS SHALL BE ADDED TO
37 THE REGISTRY.

38 5. STANDARDIZED REGISTRATION FORM. THE DIVISION SHALL DEVELOP A STAND-
39 ARDIZED REGISTRATION FORM, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-F
40 OF THIS ARTICLE.

41 6. STANDARDIZED VERIFICATION FORM. THE DIVISION SHALL DEVELOP A STAND-
42 ARDIZED VERIFICATION FORM, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-G
43 OF THIS ARTICLE.

44 7. REGISTRATION AND VERIFICATION OF TERRORISTS. THE DIVISION, PURSUANT
45 TO SECTION ONE HUNDRED SIXTY-NINE-L OF THIS ARTICLE, SHALL PROVIDE FOR
46 THE REGISTRATION AND VERIFICATION OF TERRORISTS ADDED TO THE NEW YORK
47 STATE TERRORIST REGISTRY.

48 8. NOTIFICATION OF CHANGE OF ADDRESS. THE DIVISION, PURSUANT TO
49 SECTION ONE HUNDRED SIXTY-NINE-O OF THIS ARTICLE, SHALL PROVIDE FOR THE
50 NOTIFICATION OF LAW ENFORCEMENT AGENCIES HAVING JURISDICTION, WHEN A
51 TERRORIST REGISTERS A CHANGE OF ADDRESS.

52 9. REGISTRY INFORMATION SHARING. THE DIVISION, PURSUANT TO SECTION ONE
53 HUNDRED SIXTY-NINE-P OF THIS ARTICLE, IS AUTHORIZED TO SHARE THE NEW
54 YORK STATE TERRORIST REGISTRY, AND ALL THE INFORMATION CONTAINED THERE-
55 IN, TO ADVANCE THE PURPOSES OF THIS ARTICLE.

1 10. SECURE INFORMATION. THE DIVISION, PURSUANT TO SECTION ONE HUNDRED
2 SIXTY-NINE-P OF THIS ARTICLE, IN CONSULTATION WITH THE DIVISION OF HOME-
3 LAND SECURITY AND EMERGENCY SERVICES AND THE DIVISION OF STATE POLICE,
4 SHALL REVIEW THE INFORMATION CONTAINED ON THE REGISTRY, AND SHALL DETER-
5 MINE WHETHER THE DISCLOSURE OF ANY PARTICULAR INFORMATION CONTAINED ON
6 THE REGISTRY MAY CAUSE A SECURITY RISK TO THE PEOPLE OR PROPERTY OF THE
7 STATE OF NEW YORK, AND UPON SUCH DETERMINATION THAT SUCH PARTICULAR
8 INFORMATION NEEDS TO BE DEEMED SECURE, THE DIVISION SHALL REMOVE SUCH
9 SECURE INFORMATION FROM PUBLIC ACCESSIBILITY.

10 11. DNA CUSTODY AND ANALYSIS. THE DIVISION, PURSUANT TO SECTION ONE
11 HUNDRED SIXTY-NINE-Q OF THIS ARTICLE, SHALL PROVIDE FOR THE SECURE,
12 CUSTODIAL TRANSFER OF THE DNA SAMPLE COLLECTED FROM THE TERRORIST, FOR
13 THE PRESERVATION, STORAGE AND ANALYSIS OF SUCH DNA SAMPLE, AND SHALL
14 FURTHER PROVIDE FOR THE SUBSEQUENT SECURE CUSTODIAL TRANSFER OF THE DNA
15 SAMPLE, AND/OR THE ANALYSIS PRODUCED THEREFROM, TO THE STATE DNA IDEN-
16 TIFICATION INDEX, MAINTAINED PURSUANT TO SECTION NINE HUNDRED
17 NINETY-FIVE-C OF THE EXECUTIVE LAW.

18 12. FINGERPRINT CUSTODY AND ANALYSIS. THE DIVISION, PURSUANT TO
19 SECTION ONE HUNDRED SIXTY-NINE-Q OF THIS ARTICLE, SHALL PROVIDE FOR THE
20 SECURE, CUSTODIAL TRANSFER OF THE FINGERPRINTS COLLECTED FROM THE
21 TERRORIST, TO THE LABORATORY MAINTAINED BY THE DIVISION OF STATE POLICE,
22 OR ANOTHER APPROVED FINGERPRINT ANALYSIS ENTITY AS CONTRACTED WITH BY
23 THE DIVISION, FOR THE PRESERVATION, STORAGE AND ANALYSIS OF SUCH FINGER-
24 PRINTS.

25 13. REGISTRY AND VERIFICATION FEES. THE DIVISION, PURSUANT TO SECTION
26 ONE HUNDRED SIXTY-NINE-R OF THIS ARTICLE, SHALL BE AUTHORIZED TO CHARGE
27 REGISTRATION AND VERIFICATION FEES TO BE PAID TO THE DIVISION BY THE
28 TERRORIST, AT THE TIME AND MANNER PRESCRIBED BY THE DIVISION, WITH THE
29 STATE COMPTROLLER BEING AUTHORIZED TO DEPOSIT SUCH FEES INTO THE GENERAL
30 FUND.

31 14. SPECIAL TELEPHONE NUMBER. THE DIVISION SHALL ESTABLISH AND OPERATE
32 A SPECIAL TELEPHONE NUMBER PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-S
33 OF THIS ARTICLE.

34 15. INTERNET DIRECTORY. THE DIVISION SHALL ESTABLISH AN INTERNET
35 DIRECTORY PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-T OF THIS ARTICLE.

36 S 169-D. REGISTRATION INFORMATION. THE DIVISION, PURSUANT TO SUBDIVI-
37 SION ONE OF SECTION ONE HUNDRED SIXTY-NINE-C OF THIS ARTICLE, SHALL
38 ESTABLISH AND MAINTAIN AN INFORMATION FILE ON ALL TERRORISTS REQUIRED TO
39 REGISTER PURSUANT TO THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-NINE-L
40 THIS ARTICLE, WHICH SHALL BE KNOWN AS THE NEW YORK STATE TERRORIST
41 REGISTRY, AND WHICH SHALL INCLUDE THE FOLLOWING INFORMATION ON EACH SUCH
42 REGISTRANT:

43 1. PERSONAL INFORMATION, INCLUDING:

- 44 (A) THE TERRORIST'S NAME;
45 (B) ALL ALIASES CURRENTLY OR EVER USED BY THE TERRORIST;
46 (C) THE DATE OF BIRTH OF THE TERRORIST;
47 (D) THE SEX OF THE TERRORIST;
48 (E) THE RACE OF THE TERRORIST;
49 (F) THE HEIGHT, WEIGHT, EYE COLOR, DISTINCTIVE MARKINGS, AND BUILD OF
50 THE TERRORIST;
51 (G) THE NATION OF ORIGIN AND COUNTRY OR COUNTRIES OF CITIZENSHIP OF
52 THE TERRORIST;
53 (H) THE DRIVER'S LICENSE NUMBER OR NON-DRIVER'S IDENTIFICATION CARD
54 NUMBER OF THE TERRORIST;
55 (I) THE PASSPORT NUMBER OF THE MOST RECENT PASSPORT OF THE TERRORIST;

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

3 (K) THE SOCIAL SECURITY NUMBER, OR TAXPAYER IDENTIFICATION NUMBER, OF
4 THE TERRORIST;

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

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

9 (N) ANY AND ALL CELLULAR ACCOUNTS AND CELLULAR TELEPHONE NUMBERS WITH
10 CELLULAR SERVICE PROVIDERS BELONGING TO THE TERRORIST, OR ANY AND ALL
11 CELLULAR ACCOUNTS AND CELLULAR TELEPHONE NUMBERS WITH CELLULAR SERVICE
12 OF WHICH THE TERRORIST HAS AUTHORIZED USE;

13 2. FORENSIC INFORMATION, INCLUDING:

14 (A) A PHOTOGRAPH OF THE TERRORIST, TAKEN BY THE LAW ENFORCEMENT AGENCY
15 HAVING JURISDICTION, WHICH SHALL BE UPDATED ANNUALLY;

16 (B) A COMPLETE SET OF FINGERPRINTS OF THE TERRORIST, TAKEN BY THE LAW
17 ENFORCEMENT AGENCY HAVING JURISDICTION;

18 (C) A DNA SAMPLE, TAKEN BY THE LAW ENFORCEMENT AGENCY HAVING JURISDIC-
19 TION, WITH SUCH SAMPLE BEING COMPLIANT WITH TESTING FOR THE COMBINED DNA
20 INDEX SYSTEM (CODIS), AND WITH SUCH SAMPLE CAPABLE OF PROVIDING A REPORT
21 AND ANALYSIS OF AUTOSOMAL DNA (ATDNA), MITOCHONDRIAL DNA (MTDNA) AND
22 Y-CHROMOSOME DNA (Y-DNA), TOGETHER WITH ANY OTHER SCREENING OR DNA TEST-
23 ING AS MAY BE REQUIRED BY THE DIVISION; AND

24 (D) A DNA ANALYSIS OF THE DNA SAMPLE TAKEN FROM THE TERRORIST,
25 PERFORMED BY A LABORATORY APPROVED BY THE DIVISION, WITH SUCH ANALYSIS
26 BEING COMPLIANT WITH THE COMBINED DNA INDEX SYSTEM (CODIS), AND WITH
27 SUCH ANALYSIS CAPABLE OF PROVIDING A REPORT AND ANALYSIS OF AUTOSOMAL
28 DNA (ATDNA), MITOCHONDRIAL DNA (MTDNA) AND Y-CHROMOSOME DNA (Y-DNA),
29 TOGETHER WITH ANY OTHER SCREENING OR DNA TESTING AS MAY BE REQUIRED BY
30 THE DIVISION;

31 3. TERRORIST INCIDENT INFORMATION, INCLUDING, FOR EACH AND EVERY
32 TERRORIST INCIDENT INVOLVING THE TERRORIST:

33 (A) A COMPLETE DESCRIPTION OF THE INCIDENT AND ITS SURROUNDING EVENTS
34 FOR WHICH THE TERRORIST WAS CONVICTED, DETAINED, DEPORTED, TRANSPORTED,
35 LISTED OR IDENTIFIED;

36 (B) THE DATE OF THE INCIDENT AND ITS SURROUNDING EVENTS FOR WHICH THE
37 TERRORIST WAS CONVICTED, DETAINED, DEPORTED, TRANSPORTED, LISTED OR
38 IDENTIFIED;

39 (C) A COMPLETE DESCRIPTION OF EACH AND EVERY CONSEQUENCE OF THE INCI-
40 DENT AND ITS SURROUNDING EVENTS FOR WHICH THE TERRORIST WAS CONVICTED,
41 DETAINED, DEPORTED, TRANSPORTED, LISTED OR IDENTIFIED, INCLUDING EACH
42 AND EVERY SENTENCE, FINE, PUNISHMENT AND/OR SANCTION IMPOSED AS A RESULT
43 OF THE INCIDENT; AND

44 (D) THE DATE OF EACH AND EVERY CONVICTION, DETAINMENT, DEPORTATION,
45 TRANSPORTATION, LISTING AND/OR IDENTIFICATION THAT OCCURRED AS A RESULT
46 OF THE INCIDENT, AND EACH AND EVERY SENTENCE, FINE, PUNISHMENT AND/OR
47 SANCTION IMPOSED AS A RESULT OF THE INCIDENT;

48 4. EMPLOYMENT INFORMATION OF THE TERRORIST, INCLUDING:

49 (A) THE NAME AND ADDRESS OF THE TERRORIST'S CURRENT OR EXPECTED
50 EMPLOYER, OR IN THE CASE OF A TERRORIST WHO IS A STUDENT, THE NAME AND
51 ADDRESS OF THE TERRORIST'S EDUCATIONAL INSTITUTION;

52 (B) A COMPLETE DESCRIPTION OF THE TERRORIST'S EMPLOYMENT DUTIES, WORK
53 LOCATIONS, JOB TITLES AND TOOLS AND MATERIALS UTILIZED DURING THE COURSE
54 OF EMPLOYMENT, AND IN THE CASE OF A TERRORIST WHO IS A STUDENT, A
55 COMPLETE DESCRIPTION OF THE TERRORIST'S CLASSES TAKEN, CLASSROOM
56 LOCATIONS, AND EDUCATIONAL CREDITS; AND

1 (C) A COMPLETE LIST OF THE TERRORIST'S SUPERVISORS, AND IN THE CASE OF
2 A TERRORIST WHO IS A STUDENT, A COMPLETE LIST OF THE TERRORIST'S PROFES-
3 SORS; AND

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

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

7 (B) ANY OTHER ADDITIONAL AND FURTHER INFORMATION DEEMED PERTINENT BY
8 THE DIVISION.

9 S 169-E. REGISTRANT NOTIFICATION. 1. THE DIVISION SHALL NOTIFY EVERY
10 TERRORIST REQUIRED TO BE REGISTERED UNDER THIS ARTICLE, PURSUANT TO THE
11 PROVISIONS OF THIS SECTION, BUT IN NO EVENT SHALL THE FAILURE OF A
12 TERRORIST TO RECEIVE SUCH NOTICE, OR OF THE DIVISION TO FAIL TO PROVIDE
13 SUCH NOTICE, RELIEVE SUCH TERRORIST FROM ANY OBLIGATION REQUIRED BY THIS
14 ARTICLE.

15 2. IN ADDITION TO ANY OTHER NOTIFICATION REQUIREMENT CONTAINED IN THIS
16 ARTICLE, THE DIVISION, WITHIN TEN CALENDAR DAYS OF MAKING A DETERMI-
17 NATION THAT A TERRORIST SHALL BE ADDED TO THE REGISTRY, SHALL MAIL TO
18 SUCH TERRORIST, A NON-FORWARDABLE STANDARDIZED REGISTRATION FORM, AS
19 DESCRIBED BY SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE.

20 3. THE PURPOSE OF THE NON-FORWARDABLE STANDARDIZED REGISTRATION FORM
21 MAILED TO SUCH TERRORIST, IN ACCORDANCE WITH SUBDIVISION TWO OF THIS
22 SECTION, SHALL BE TO INFORM THE TERRORIST, WHO THE DIVISION ADDED TO THE
23 NEW YORK STATE TERRORIST REGISTRY, OF SUCH TERRORIST'S OBLIGATION TO
24 REGISTER AS REQUIRED BY THIS ARTICLE, AND TO COLLECT THE NECESSARY
25 INFORMATION REQUIRED BY SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTI-
26 CLE.

27 4. THE NON-FORWARDABLE STANDARDIZED REGISTRATION FORM MAILED TO SUCH
28 TERRORIST, IN ACCORDANCE WITH SUBDIVISION TWO OF THIS SECTION, SHALL BE
29 MAILED BY THE DIVISION, BY FIRST CLASS MAIL, TO THE LAST KNOWN ADDRESS
30 OF SUCH TERRORIST, BUT IN NO EVENT SHALL THE FAILURE OF A TERRORIST TO
31 RECEIVE SUCH NOTICE, NOR THE FAILURE OF THE DIVISION TO PROVIDE SUCH
32 NOTICE, RELIEVE ANY TERRORIST FROM THEIR OBLIGATION TO REGISTER AS
33 REQUIRED BY THIS ARTICLE.

34 5. THE NON-FORWARDABLE STANDARDIZED REGISTRATION FORM MAILED TO SUCH
35 TERRORIST PURSUANT TO SUBDIVISION TWO OF THIS SECTION, SHALL ALSO
36 CONTAIN NOTICE TO THE TERRORIST, THAT SUCH TERRORIST MUST APPEAR, WITHIN
37 FIFTEEN DAYS OF RECEIVING SUCH NOTICE, TO THE LAW ENFORCEMENT AGENCY
38 HAVING JURISDICTION, WITH THE ADDRESS AND TELEPHONE NUMBER OF SUCH LAW
39 ENFORCEMENT AGENCY BEING INCLUDED IN SUCH NOTICE, IN ORDER TO HAVE SUCH
40 TERRORIST SUBMIT TO THE TAKING OF HIS OR HER PHOTOGRAPH, FINGERPRINTS
41 AND A DNA SAMPLE, IN ACCORDANCE WITH SUBDIVISION TWO OF SECTION ONE
42 HUNDRED SIXTY-NINE-D OF THIS ARTICLE, AND SUCH NOTICE SHALL ADDITIONALLY
43 PROVIDE INFORMATION CONCERNING THE TERRORIST'S RESPONSIBILITY TO PAY A
44 ONE HUNDRED DOLLAR REGISTRATION FEE TO THE DIVISION, PURSUANT TO SECTION
45 ONE HUNDRED SIXTY-NINE-R OF THIS ARTICLE.

46 6. IN THE EVENT THAT A COMPLETED STANDARDIZED REGISTRATION FORM IS NOT
47 RETURNED TO THE DIVISION BY A TERRORIST WITHIN THIRTY DAYS OF THE MAIL-
48 ING REQUIRED PURSUANT TO SUBDIVISION TWO OF THIS SECTION, THE DIVISION
49 SHALL IMMEDIATELY NOTIFY THE DIVISION OF STATE POLICE, THE STATE DIVI-
50 SION OF HOMELAND SECURITY AND EMERGENCY SERVICES, AND THE UNITED STATES
51 DEPARTMENT OF HOMELAND SECURITY, WHEREUPON THE DIVISION OF STATE POLICE
52 SHALL IMMEDIATELY CAUSE SUCH TERRORIST TO BE ARRESTED AND CHARGED WITH A
53 FAILURE TO REGISTER IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-W
54 OF THIS ARTICLE, AND PURSUANT TO SECTION 490.23 OF THE PENAL LAW.

55 7. IN ADDITION TO ANY OTHER NOTIFICATION REQUIREMENT CONTAINED IN THIS
56 ARTICLE, THE DIVISION SHALL ALSO PROVIDE REGISTRANTS WITH GENERAL INFOR-

1 MATION, IN REGISTRATION MATERIALS AND ANNUAL CORRESPONDENCE, CONCERNING
2 NOTIFICATION AND REGISTRATION PROCEDURES THAT MAY APPLY IF SUCH TERROR-
3 IST IS EVER AUTHORIZED TO RELOCATE, AND THEN RELOCATES TO ANOTHER STATE
4 OR UNITED STATES POSSESSION, AND SUCH GENERAL INFORMATION SHALL INCLUDE
5 ADDRESSES AND TELEPHONE NUMBERS FOR RELEVANT AGENCIES FROM WHICH ADDI-
6 TIONAL INFORMATION FOR TERRORIST REGISTRATION MAY BE OBTAINED.

7 8. IN ADDITION TO ANY OTHER NOTIFICATION REQUIREMENT CONTAINED IN THIS
8 ARTICLE, THE DIVISION SHALL ALSO MAIL, TO ALL REGISTRANTS, EVERY THREE
9 MONTHS AFTER THEIR REGISTRATION, A NON-FORWARDABLE STANDARDIZED VERIFI-
10 CATION FORM, AS DESCRIBED IN SECTION ONE HUNDRED SIXTY-NINE-G OF THIS
11 ARTICLE.

12 9. THE PURPOSE OF THE NON-FORWARDABLE STANDARDIZED VERIFICATION FORM
13 MAILED TO SUCH TERRORIST IN ACCORDANCE WITH SUBDIVISION EIGHT OF THIS
14 SECTION, SHALL BE TO INFORM SUCH REGISTRANT, WHO THE DIVISION ADDED TO
15 THE NEW YORK STATE TERRORIST REGISTRY, OF SUCH REGISTRANT'S OBLIGATION
16 TO PROVIDE QUARTERLY VERIFICATION AS REQUIRED BY THIS ARTICLE, AND TO
17 COLLECT THE NECESSARY VERIFICATION INFORMATION AS REQUIRED BY THIS ARTI-
18 CLE.

19 10. THE NON-FORWARDABLE STANDARDIZED VERIFICATION FORM MAILED TO SUCH
20 TERRORIST, IN ACCORDANCE WITH SUBDIVISION EIGHT OF THIS SECTION, SHALL
21 BE MAILED BY THE DIVISION, BY FIRST CLASS MAIL, TO THE LAST KNOWN
22 ADDRESS OF SUCH REGISTRANT, BUT IN NO EVENT SHALL THE FAILURE OF A
23 REGISTRANT TO RECEIVE SUCH NOTICE, NOR THE FAILURE OF THE DIVISION TO
24 PROVIDE SUCH NOTICE, RELIEVE ANY REGISTRANT FROM THEIR OBLIGATION TO
25 PROVIDE QUARTERLY VERIFICATION AS REQUIRED BY THIS ARTICLE.

26 11. THE NON-FORWARDABLE STANDARDIZED VERIFICATION FORM MAILED TO SUCH
27 TERRORIST PURSUANT TO SUBDIVISION EIGHT OF THIS SECTION, SHALL ALSO
28 CONTAIN NOTICE TO THE TERRORIST AT LEAST ONCE A YEAR, THAT SUCH TERROR-
29 IST MUST APPEAR, WITHIN FIFTEEN DAYS OF RECEIVING SUCH NOTICE, TO THE
30 LAW ENFORCEMENT AGENCY HAVING JURISDICTION, WITH THE ADDRESS AND TELE-
31 PHONE NUMBER OF SUCH LAW ENFORCEMENT AGENCY BEING INCLUDED IN SUCH
32 NOTICE, IN ORDER TO HAVE SUCH TERRORIST SUBMIT TO THE TAKING OF AN ANNU-
33 AL UPDATE OF HIS OR HER PHOTOGRAPH, IN ACCORDANCE WITH SUBDIVISION TWO
34 OF SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE, AND SUCH NOTICE
35 SHALL ADDITIONALLY PROVIDE INFORMATION CONCERNING THE TERRORIST'S
36 RESPONSIBILITY TO PAY A TEN DOLLAR FEE TO THE DIVISION, PURSUANT TO
37 SECTION ONE HUNDRED AND SIXTY-NINE-R OF THIS ARTICLE.

38 12. IN THE EVENT THAT A COMPLETED STANDARDIZED VERIFICATION FORM IS
39 NOT RETURNED TO THE DIVISION BY THE REGISTRANT WITHIN THIRTY DAYS OF ITS
40 MAILING TO SUCH TERRORIST, THE DIVISION SHALL IMMEDIATELY NOTIFY THE
41 DIVISION OF STATE POLICE, THE STATE DIVISION OF HOMELAND SECURITY AND
42 EMERGENCY SERVICES, AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURI-
43 TY, WHEREUPON THE DIVISION OF STATE POLICE SHALL IMMEDIATELY CAUSE SUCH
44 TERRORIST TO BE ARRESTED AND CHARGED WITH A FAILURE TO VERIFY IN ACCORD-
45 ANCE WITH SECTION ONE HUNDRED SIXTY-NINE-W OF THIS ARTICLE, AND PURSUANT
46 TO SECTION 490.23 OF THE PENAL LAW.

47 13. THE DIVISION SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT
48 THE PROVISIONS OF THIS SECTION.

49 S 169-F. STANDARDIZED REGISTRATION FORM. 1. THE DIVISION SHALL DEVELOP
50 A STANDARDIZED REGISTRATION FORM, PURSUANT TO THIS SECTION, TO COLLECT
51 THE INFORMATION REQUIRED BY SECTION ONE HUNDRED SIXTY-NINE-D OF THIS
52 ARTICLE, SO THAT THE DIVISION MAY ADD SUCH REQUIRED INFORMATION ON THE
53 REGISTRANT TO THE NEW YORK STATE TERRORIST REGISTRY.

54 2. THE DIVISION SHALL PRODUCE SUCH STANDARDIZED REGISTRATION FORM IN A
55 MANNER WHERE IT IS WRITTEN IN CLEAR AND CONCISE LANGUAGE.

1 3. THE DIVISION SHALL FURTHER PRODUCE SUCH STANDARDIZED REGISTRATION
2 FORM WITH THE PURPOSE OF:

3 (A) PROVIDING FOR THE COLLECTION OF THE INFORMATION REQUIRED BY
4 SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE; AND

5 (B) ADVISING THE TERRORIST OF HIS OR HER REGISTRATION DUTIES AND OBLI-
6 GATIONS UNDER THIS ARTICLE.

7 4. THE DIVISION SHALL MAKE PAPER COPIES OF THE STANDARDIZED REGISTRA-
8 TION FORM AVAILABLE TO REGISTRANTS, ATTORNEYS REPRESENTING REGISTRANTS,
9 THE UNIFIED COURT SYSTEM, THE DEPARTMENT, FEDERAL, STATE AND LOCAL LAW
10 ENFORCEMENT, AND SUCH OTHER AND FURTHER INDIVIDUALS AND ENTITIES AS THE
11 DIVISION DEEMS APPROPRIATE.

12 5. THE DIVISION SHALL PLACE THE STANDARDIZED REGISTRATION FORM,
13 PRODUCED IN ACCORDANCE WITH THIS SECTION, ONLINE ON THE OFFICIAL WEBSITE
14 OF THE DIVISION, AND SUCH ELECTRONIC STANDARDIZED REGISTRATION FORM
15 SHALL BE IN A DOWNLOADABLE FORMAT, TO ALLOW ANY REGISTRANT TO SUBMIT A
16 COMPLETED COPY OF SUCH FORM TO THE DIVISION, REGARDLESS OF WHETHER SUCH
17 TERRORIST HAS IN FACT RECEIVED THE NOTICE AS REQUIRED BY SECTION ONE
18 HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

19 6. THE DIVISION SHALL ADVERTISE ON ITS WEBSITE THAT ALL TERRORISTS
20 ADDED TO THE NEW YORK STATE TERRORIST REGISTRY SHALL BE REQUIRED TO
21 REGISTER UNDER PENALTY OF LAW AND THAT THE STANDARD REGISTRATION FORM
22 NECESSARY TO COMPLETE SUCH REGISTRATION IS AVAILABLE FOR DOWNLOAD ON THE
23 DIVISION'S WEBSITE.

24 7. THE DIVISION SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT
25 THE PROVISIONS OF THIS SECTION.

26 S 169-G. STANDARDIZED VERIFICATION FORM. 1. THE DIVISION SHALL DEVEL-
27 OP A STANDARDIZED VERIFICATION FORM, PURSUANT TO THIS SECTION, TO
28 COLLECT THE INFORMATION REQUIRED BY SECTION ONE HUNDRED SIXTY-NINE-D OF
29 THIS ARTICLE, AND SO THAT THE DIVISION MAY ALSO VERIFY THAT THE INFORMA-
30 TION SO COLLECTED ON REGISTRANT IS CORRECT.

31 2. THE DIVISION SHALL PRODUCE SUCH STANDARDIZED VERIFICATION FORM IN A
32 MANNER WHERE IT IS WRITTEN IN CLEAR AND CONCISE LANGUAGE.

33 3. THE DIVISION SHALL FURTHER PRODUCE SUCH STANDARDIZED VERIFICATION
34 FORM WITH THE PURPOSE OF:

35 (A) PROVIDING FOR THE COLLECTION OF THE INFORMATION REQUIRED BY
36 SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE;

37 (B) PROVIDING FOR THE VERIFICATION OF THE INFORMATION SO COLLECTED;
38 AND

39 (C) ADVISING THE REGISTRANT OF HIS OR HER QUARTERLY VERIFICATION
40 DUTIES AND OBLIGATIONS UNDER THIS ARTICLE.

41 4. THE DIVISION SHALL MAKE PAPER COPIES OF THE STANDARDIZED VERIFICA-
42 TION FORM AVAILABLE TO REGISTRANTS, ATTORNEYS REPRESENTING REGISTRANTS,
43 THE UNIFIED COURT SYSTEM, THE DEPARTMENT, FEDERAL, STATE AND LOCAL LAW
44 ENFORCEMENT, AND SUCH OTHER AND FURTHER INDIVIDUALS AND ENTITIES AS THE
45 DIVISION DEEMS APPROPRIATE.

46 5. THE DIVISION SHALL PLACE THE STANDARDIZED VERIFICATION FORM,
47 PRODUCED IN ACCORDANCE WITH THIS SECTION, ONLINE ON THE OFFICIAL WEBSITE
48 OF THE DIVISION, AND SUCH ELECTRONIC STANDARDIZED VERIFICATION FORM
49 SHALL BE IN A DOWNLOADABLE FORMAT, TO ALLOW ANY REGISTRANT TO SUBMIT A
50 COMPLETED COPY OF SUCH FORM TO THE DIVISION, REGARDLESS OF WHETHER SUCH
51 TERRORIST HAS IN FACT RECEIVED THE NOTICE AS REQUIRED BY SECTION ONE
52 HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

53 6. THE DIVISION SHALL ADVERTISE ON ITS WEBSITE THAT ALL TERRORISTS
54 ADDED TO THE NEW YORK STATE TERRORIST REGISTRY SHALL BE REQUIRED TO MAKE
55 QUARTERLY VERIFICATION UNDER PENALTY OF LAW AND THAT THE STANDARD

1 VERIFICATION FORM NECESSARY TO COMPLETE SUCH REGISTRATION IS AVAILABLE
2 FOR DOWNLOAD ON THE DIVISION'S WEBSITE.

3 7. THE DIVISION SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT
4 THE PROVISIONS OF THIS SECTION.

5 S 169-H. INVESTIGATION OF POTENTIAL REGISTRANTS. 1. THE DIVISION
6 SHALL MAKE REGULAR INVESTIGATIONS TO DETERMINE WHETHER TERRORISTS SHALL
7 BE ADDED TO THE REGISTRY, AND UPON ANY SUCH INVESTIGATION AND DETERMI-
8 NATION THAT A TERRORIST SHALL BE ADDED TO THE REGISTRY, IN ACCORDANCE
9 WITH THE PROVISIONS OF THIS SECTION, THE DIVISION SHALL ADD SUCH TERROR-
10 IST TO THE REGISTRY, AND SHALL NOTIFY SUCH TERRORIST PURSUANT TO SECTION
11 ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

12 2. IN THE CASE OF ANY TERRORIST, IT SHALL BE THE DUTY OF THE DEPART-
13 MENT, HOSPITAL OR LOCAL CORRECTIONAL FACILITY AT LEAST TEN CALENDAR DAYS
14 PRIOR TO THE RELEASE OF THE TERRORIST FROM A CORRECTIONAL FACILITY, TO
15 NOTIFY THE DIVISION OF THE CONTEMPLATED RELEASE OR DISCHARGE OF SUCH
16 TERRORIST, INFORMING THE DIVISION IN WRITING, ON A FORM PROVIDED BY THE
17 DIVISION, WHICH SHALL INDICATE THE ADDRESS AT WHICH SUCH TERRORIST
18 PROPOSES TO RESIDE, AND IF SUCH TERRORIST CHANGES HIS OR HER PLACE OF
19 RESIDENCE WHILE ON PAROLE, SUCH NOTIFICATION OF THE CHANGE OF RESIDENCE
20 SHALL BE SENT BY THE TERRORIST'S PAROLE OFFICER WITHIN FORTY-EIGHT HOURS
21 TO THE DIVISION ON A FORM PROVIDED BY THE DIVISION.

22 3. IN THE CASE OF ANY TERRORIST ON PROBATION, IT SHALL BE THE DUTY OF
23 THE OFFENDER'S PROBATION OFFICER TO NOTIFY THE DIVISION WITHIN
24 FORTY-EIGHT HOURS OF THE NEW PLACE OF RESIDENCE ON A FORM PROVIDED BY
25 THE DIVISION.

26 4. IN THE EVENT THAT ANY TERRORIST ESCAPES FROM A STATE OR LOCAL
27 CORRECTIONAL FACILITY OR HOSPITAL, THE DESIGNATED OFFICIAL OF THE FACIL-
28 ITY OR HOSPITAL WHERE THE TERRORIST WAS CONFINED SHALL NOTIFY, WITHIN
29 TWENTY-FOUR HOURS, THE DIVISION AND THE LAW ENFORCEMENT AGENCY HAVING
30 HAD JURISDICTION AT THE TIME OF THE TERRORIST'S CONVICTION, INFORMING
31 THE DIVISION AND SUCH LAW ENFORCEMENT AGENCY OF THE NAME AND ALIASES OF
32 THE TERRORIST, THE ADDRESS AT WHICH THE TERRORIST RESIDED AT THE TIME OF
33 HIS OR HER CONVICTION, THE AMOUNT OF TIME REMAINING TO BE SERVED, IF
34 ANY, ON THE FULL TERM FOR WHICH THE TERRORIST WAS SENTENCED, AND THE
35 NATURE OF THE CRIME FOR WHICH HE OR SHE WAS SENTENCED, TRANSMITTING AT
36 THE SAME TIME A COPY OF SUCH TERRORIST'S FINGERPRINTS AND PHOTOGRAPH,
37 TOGETHER WITH A SUMMARY OF HIS OR HER CRIMINAL RECORD.

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

43 6. (A) IN CONDUCTING ITS INVESTIGATIONS, PURSUANT TO THIS SECTION, TO
44 DETERMINE WHAT TERRORISTS ARE OR WILL BE RESIDING, WORKING, OR ATTENDING
45 EDUCATIONAL INSTITUTIONS, IN NEW YORK STATE, THE DIVISION SHALL COMMUNI-
46 CATE WITH THE FOLLOWING STATE ENTITIES:

47 (I) THE DEPARTMENT;

48 (II) THE DIVISION OF PAROLE;

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

50 (IV) THE DEPARTMENT OF HEALTH;

51 (V) THE DEPARTMENT OF EDUCATION;

52 (VI) THE OFFICE OF COURT ADMINISTRATION, AND ANY COURT OF THE UNIFIED
53 COURT SYSTEM;

54 (VII) THE DIVISION OF STATE POLICE;

55 (VIII) THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES;

56 AND/OR

1 (IX) ANY OTHER STATE OR LOCAL ENTITY THE DIVISION DEEMS APPROPRIATE.
2 (B) IN FURTHER CONDUCTING ITS INVESTIGATIONS, PURSUANT TO THIS
3 SECTION, TO DETERMINE WHAT TERRORISTS ARE OR WILL BE RESIDING, WORKING,
4 OR ATTENDING EDUCATIONAL INSTITUTIONS, IN NEW YORK STATE, THE DIVISION
5 SHALL COMMUNICATE WITH THE FOLLOWING FEDERAL, INTERSTATE OR INTERNA-
6 TIONAL ENTITIES:

7 (I) THE FEDERAL BUREAU OF PRISONS;

8 (II) THE UNITED STATES DEPARTMENT OF DEFENSE, AND ITS ARMED SERVICES
9 BRANCHES;

10 (III) THE UNITED STATES DEPARTMENT OF STATE;

11 (IV) THE UNITED STATES DEPARTMENT OF JUSTICE;

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

13 (VI) THE CENTRAL INTELLIGENCE AGENCY;

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

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

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

18 7. UPON INVESTIGATION IN ACCORDANCE WITH THIS SECTION, IF THE DIVISION
19 DETERMINES THAT ANY TERRORIST, AS DEFINED BY SUBDIVISION ONE OF SECTION
20 ONE HUNDRED SIXTY-NINE-B OF THIS ARTICLE, IS CURRENTLY, HAS BEEN, OR
21 WILL BE WITHIN THE NEXT NINETY DAYS, LIVING, WORKING OR ATTENDING AN
22 EDUCATIONAL INSTITUTION WITHIN NEW YORK STATE, OR IS SCHEDULED FOR A
23 CONDITIONAL RELEASE OR DISCHARGE IN NEW YORK STATE, OR IS SCHEDULED FOR
24 A CONDITIONAL RELEASE OR DISCHARGE AND SUCH TERRORIST HAS EVIDENCED ANY
25 INTENTION TO RESIDE IN NEW YORK STATE, THEN THE DIVISION SHALL ADD SUCH
26 TERRORIST TO THE NEW YORK STATE TERRORIST REGISTRY, AND PROVIDE SUCH
27 TERRORIST WITH NOTIFICATION IN ACCORDANCE WITH SECTION ONE HUNDRED
28 SIXTY-NINE-E OF THIS ARTICLE.

29 8. UPON INVESTIGATION IN ACCORDANCE WITH THIS SECTION, AND UPON A
30 FINDING THAT THE PERSON INVESTIGATED MAY NOT HAVE COMMITTED A TERRORIST
31 OFFENSE AS DEFINED IN SUBDIVISION TWO OF SECTION ONE HUNDRED
32 SIXTY-NINE-B OF THIS ARTICLE, OR A VERIFIABLE ACT OF TERRORISM, AS
33 DEFINED IN SUBDIVISION THREE OF SECTION ONE HUNDRED SIXTY-NINE-B OF THIS
34 ARTICLE, BUT IN THE JOINT DETERMINATION OF THE DIVISION AND THE DIVISION
35 OF HOMELAND SECURITY AND EMERGENCY SERVICES, THAT SUCH PERSON NONETHE-
36 LESS STILL PRESENTS A SERIOUS AND IMMEDIATE RISK OF PERFORMING, PROMOT-
37 ING, SUPPORTING AND/OR FACILITATING A TERRORIST ACT AGAINST THE PEOPLE
38 AND/OR PROPERTY OF THE STATE OF NEW YORK, THEN THE DIVISION MAY MAKE AN
39 APPLICATION TO A SUPREME COURT, IN ACCORDANCE WITH SECTION ONE HUNDRED
40 SIXTY-NINE-J OF THIS ARTICLE, TO ADD SUCH PERSON TO THE NEW YORK STATE
41 TERRORIST REGISTRY, AND IF SUCH COURT ISSUES THE CERTIFICATION, THEN THE
42 DIVISION SHALL ADD SUCH PERSON TO THE REGISTRY, AND PROVIDE SUCH PERSON
43 WITH NOTIFICATION IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-E OF
44 THIS ARTICLE.

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

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

1 FROM THE REGISTRY, BUT THE DIVISION MAY APPEAL SUCH DECISION, AND SUCH
2 REMOVAL SHALL NOT BE PERFORMED BY THE DIVISION UNTIL THE FINAL APPEAL IS
3 DECIDED IN FAVOR OF THE PERSON SEEKING REMOVAL FROM THE REGISTRY.

4 S 169-I. INITIAL ASSEMBLY OF THE REGISTRY. THE DIVISION, WITHIN SIXTY
5 DAYS OF THE EFFECTIVE DATE OF THIS ARTICLE, PURSUANT TO THE PROVISIONS
6 OF THIS SECTION, SHALL CONDUCT INVESTIGATIONS, IN ACCORDANCE WITH
7 SECTION ONE HUNDRED SIXTY-NINE-H OF THIS ARTICLE, TO DETERMINE WHAT
8 TERRORISTS SHALL BE INITIALLY ADDED TO THE REGISTRY, AND UPON SUCH
9 INVESTIGATIONS AND DETERMINATIONS, SHALL ADD SUCH TERRORISTS TO THE
10 REGISTRY, AND SHALL THEREAFTER NOTIFY SUCH TERRORISTS PURSUANT TO
11 SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

12 S 169-J. DUTIES OF THE COURT. 1. UPON CONVICTION OF ANY OF THE
13 OFFENSES SET FORTH IN ARTICLE FOUR HUNDRED NINETY OF THE PENAL LAW, THE
14 COURT SHALL CERTIFY THAT THE PERSON IS A TERRORIST, AND SHALL INCLUDE
15 THE CERTIFICATION IN THE ORDER OF COMMITMENT, IF ANY, AND JUDGMENT OF
16 CONVICTION, AND SHALL ADDITIONALLY DIRECT THE DIVISION TO ADD SUCH
17 PERSON, SO CONVICTED, TO THE NEW YORK STATE TERRORIST REGISTRY.

18 2. IN ACCORDANCE WITH SUBDIVISION EIGHT OF SECTION ONE HUNDRED SIXTY-
19 NINE-H OF THIS ARTICLE, THE DIVISION, AFTER INVESTIGATION, MAY PETITION
20 THE SUPREME COURT, ON NOTICE TO THE PERSON WHO IS THE SUBJECT OF THE
21 INVESTIGATION BY MAILING A COPY OF THE PETITION TO THE LAST KNOWN
22 ADDRESS OF SUCH PERSON, FOR A CERTIFICATION, THAT SUCH PERSON THAT IS
23 THE SUBJECT OF SUCH INVESTIGATION, IN THE JOINT DETERMINATION OF THE
24 DIVISION AND THE DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES,
25 PRESENTS A SERIOUS AND IMMEDIATE RISK OF PERFORMING, PROMOTING, SUPPORT-
26 ING AND/OR FACILITATING A TERRORIST ACT AGAINST THE PEOPLE AND/OR PROP-
27 erty OF THE STATE OF NEW YORK, AND THAT A CERTIFICATION SHOULD BE
28 ISSUED, TO ADD SUCH PERSON TO THE NEW YORK STATE TERRORIST REGISTRY, AND
29 IF SUCH COURT ISSUES THE CERTIFICATION, THEN THE DIVISION SHALL ADD SUCH
30 PERSON TO THE REGISTRY, AND PROVIDE SUCH PERSON WITH NOTIFICATION IN
31 ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE, BUT
32 THE DIVISION MAY APPEAL ANY DECISION WHERE THE COURT DENIES THE CERTIF-
33 ICATION AND DIRECTS THE DIVISION NOT TO ADD SUCH PERSON TO THE REGISTRY.

34 3. ANY PERSON ADDED BY THE DIVISION TO THE NEW YORK STATE TERRORIST
35 REGISTRY MAY SEEK AN ORDER OF THE SUPREME COURT IN THE COUNTY WHERE SUCH
36 REGISTRANT RESIDES, OR THE SUPREME COURT OF THE COUNTY OF ALBANY IF SUCH
37 REGISTRANT DOES NOT RESIDE IN THE STATE OF NEW YORK, TO HAVE THEIR NAME
38 AND INFORMATION REMOVED FROM THE REGISTRY, AS FOLLOWS:

39 (A) THAT TO ISSUE AN ORDER TO REMOVE THE REGISTRANT AND THEIR INFORMA-
40 TION FROM THE NEW YORK STATE TERRORIST REGISTRY, THE COURT MUST FIND
41 CONSIDERABLE GROUNDS THAT:

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

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

47 (III) THE DIVISION, IN ADDING SUCH PERSON'S NAME TO THE REGISTRY ACTED
48 IN AN ARBITRARY AND CAPRICIOUS MANNER, AND/OR FAILED TO COMPLY WITH THE
49 PROVISIONS OF THIS ARTICLE; AND

50 (IV) THE COURT IS OF THE OPINION THAT SUCH REGISTRATION WOULD BE UNDU-
51 LY HARSH AND INAPPROPRIATE;

52 (B) THAT WHERE THE SUPREME COURT ISSUES SUCH AN ORDER PURSUANT TO THIS
53 SUBDIVISION TO REMOVE A PERSON FROM THE NEW YORK STATE TERRORIST REGIS-
54 TRY, THE DIVISION SHALL REMOVE SUCH PERSON FROM THE REGISTRY, AND
55 PROVIDE SUCH PERSON WITH NOTIFICATION OF THEIR REMOVAL FROM THE REGIS-
56 TRY, BUT THE DIVISION MAY APPEAL SUCH DECISION; AND

1 (C) WHERE THE DIVISION APPEALS AN ORDER TO REMOVE A PERSON'S NAME AND
2 INFORMATION FROM THE NEW YORK STATE TERRORIST REGISTRY, SUCH REMOVAL
3 SHALL NOT BE PERFORMED BY THE DIVISION UNTIL THE FINAL APPEAL IS DECIDED
4 IN FAVOR OF THE PERSON SEEKING REMOVAL.

5 4. IF THE PERSON CERTIFIED AS THE REGISTRANT IS PRESENT IN COURT, THEN
6 THE COURT SHALL ADVISE SUCH PERSON OF HIS OR HER DUTIES UNDER THIS ARTI-
7 CLE, BUT IN THE EVENT OF HIS OR HER ABSENCE FROM COURT, THE COURT SHALL
8 DIRECT THE DIVISION TO MAIL SUCH TERRORIST A WRITTEN COPY OF AN EXPLANA-
9 TION OF SUCH DUTIES IN ACCORDANCE WITH THE PROVISIONS OF SECTION ONE
10 HUNDRED SIXTY-NINE-E OF THIS ARTICLE.

11 5. FAILURE TO INCLUDE THE CERTIFICATION IN THE ORDER OF COMMITMENT OR
12 THE JUDGMENT OF CONVICTION SHALL NOT RELIEVE A TERRORIST OF THE OBLI-
13 GATIONS IMPOSED BY THIS ARTICLE, NOR PROHIBIT THE DIVISION FROM ADDING
14 SUCH PERSON TO THE REGISTRY IN ACCORDANCE WITH THE PROVISIONS OF THIS
15 ARTICLE.

16 6. ANY PERSON WHO A COURT CERTIFIES AS A REGISTRANT, WHO IS RELEASED
17 ON PROBATION OR DISCHARGED UPON PAYMENT OF A FINE, CONDITIONAL DISCHARGE
18 OR UNCONDITIONAL DISCHARGE, SHALL, PRIOR TO SUCH RELEASE OR DISCHARGE,
19 BE INFORMED OF HIS OR HER DUTY TO REGISTER UNDER THIS ARTICLE BY THE
20 COURT IN WHICH HE OR SHE WAS CONVICTED, AND AT THE TIME SENTENCE IS
21 IMPOSED, SUCH TERRORIST SHALL REGISTER WITH THE DIVISION ON THE STAND-
22 ARDIZED REGISTRATION FORM PREPARED BY THE DIVISION IN ACCORDANCE WITH
23 SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE, AS FOLLOWS:

24 (A) THE COURT SHALL REQUIRE THE TERRORIST TO READ AND COMPLETE THE
25 STANDARDIZED REGISTRATION FORM, SIGN THE SAME IN THE PRESENCE OF THE
26 COURT, AND SUBMIT SUCH COMPLETED DOCUMENT BACK TO THE COURT;

27 (B) THE COURT SHALL GIVE ONE COPY OF THE COMPLETED STANDARDIZED REGIS-
28 TRATION FORM TO THE TERRORIST, AND SHALL DIRECT THE IMMEDIATE TRANS-
29 MISSION OF TWO COPIES OF THE SAME TO THE DIVISION, WHICH SHALL ADD SUCH
30 PERSON TO THE REGISTRY AND FORWARD THE INFORMATION COLLECTED TO THE LAW
31 ENFORCEMENT AGENCIES HAVING JURISDICTION, IN ACCORDANCE WITH THIS ARTI-
32 CLE;

33 (C) WITHIN FIFTEEN DAYS OF THE SUBMISSION OF THE COMPLETED STANDARD-
34 IZED REGISTRATION FORM TO THE COURT, THE PERSON CERTIFIED AS A TERRORIST
35 SHALL PRESENT THEMSELVES TO THE LAW ENFORCEMENT AGENCIES HAVING JURIS-
36 DICTION, IN ORDER TO SUBMIT TO A PHOTOGRAPH AND A DNA TEST; AND

37 (D) FROM SUCH COMPLETED STANDARDIZED REGISTRATION FORM, THE COURT
38 SHALL PLACE UPON THE RECORD, THE ADDRESS WHERE THE TERRORIST EXPECTS TO
39 RESIDE UPON HIS OR HER RELEASE.

40 7. ANY PERSON WHO A COURT CERTIFIES AS A REGISTRANT, IN ACCORDANCE
41 WITH THE PROVISIONS OF THIS SECTION, SHALL REGISTER WITH THE DIVISION ON
42 THE STANDARDIZED FORM PREPARED BY THE DIVISION IN ACCORDANCE WITH
43 SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE, AS FOLLOWS:

44 (A) WITHIN TEN DAYS OF THE CERTIFICATION, THE DIVISION SHALL TRANSMIT
45 BY MAIL TO THE TERRORIST, AT HIS OR HER LAST KNOWN ADDRESS, THE STAND-
46 ARDIZED REGISTRATION FORM PREPARED BY THE DIVISION IN ACCORDANCE WITH
47 SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTICLE, TOGETHER WITH THE
48 REQUIRED NOTICE TO THE TERRORIST OF HIS OR HER DUTIES UNDER THIS ARTI-
49 CLE, WITH DIRECTIONS THAT THE TERRORIST MUST READ AND COMPLETE THE
50 STANDARDIZED REGISTRATION FORM, AND SIGN THE SAME;

51 (B) WITHIN THIRTY DAYS OF THE CERTIFICATION, THE PERSON CERTIFIED AS A
52 TERRORIST, SHALL RETURN THEIR SIGNED, COMPLETED STANDARDIZED REGISTRA-
53 TION FORM BACK TO THE DIVISION, AND UPON RECEIPT OF THE SAME, THE DIVI-
54 SION SHALL MAIL A COPY OF THE SAME BACK TO THE TERRORIST, AND FORWARD
55 THE INFORMATION CONTAINED WITHIN SUCH COMPLETED STANDARDIZED REGISTRA-

1 TION FORM TO THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION, IN
2 ACCORDANCE WITH THIS ARTICLE; AND

3 (C) WITHIN FIFTEEN DAYS OF THE RECEIPT OF THE STANDARDIZED REGISTRA-
4 TION FORM, THE REGISTRANT SHALL PRESENT THEMSELVES TO THE LAW ENFORCE-
5 MENT AGENCIES HAVING JURISDICTION, IN ORDER TO SUBMIT TO A PHOTOGRAPH,
6 FINGERPRINTING AND A DNA TEST, AND INCLUDED WITH THE STANDARDIZED REGIS-
7 TRATION FORM PREPARED BY THE DIVISION IN ACCORDANCE WITH SECTION ONE
8 HUNDRED SIXTY-NINE-F OF THIS ARTICLE, THE DIVISION, PURSUANT TO THE
9 PROVISIONS OF SECTION ONE HUNDRED SIXTY-NINE-E OF THIS ARTICLE, SHALL BE
10 A NOTICE TO THE REGISTRANT, OF WHEN AND WHERE TO PRESENT THEMSELVES TO
11 THE LAW ENFORCEMENT AGENCIES HAVING JURISDICTION, IN ORDER TO SUBMIT TO
12 A PHOTOGRAPH, FINGERPRINTING AND A DNA TEST.

13 S 169-K. DISCHARGE OF A TERRORIST FROM CORRECTIONAL FACILITY; DUTIES
14 OF OFFICIAL IN CHARGE.

15 1. UPON NOTICE TO THE DEPARTMENT BY THE DIVISION, ANY TERRORIST, TO BE
16 DISCHARGED, PAROLED, RELEASED TO POST-RELEASE SUPERVISION OR RELEASED
17 FROM ANY STATE OR LOCAL CORRECTIONAL FACILITY, HOSPITAL OR INSTITUTION
18 WHERE HE OR SHE WAS CONFINED OR COMMITTED, SHALL, NOT LESS THAN FIFTEEN
19 CALENDAR DAYS PRIOR TO DISCHARGE, PAROLE OR RELEASE, BE INFORMED OF HIS
20 OR HER DUTY TO REGISTER UNDER THIS ARTICLE, BY THE FACILITY IN WHICH HE
21 OR SHE WAS CONFINED OR COMMITTED, BUT FAILURE OF THE DIVISION OR THE
22 DEPARTMENT TO PROVIDE, OR FAILURE OF THE TERRORIST TO RECEIVE, SUCH
23 NOTICE SHALL NOT RELIEVE THE TERRORIST OF ANY OBLIGATION UNDER THIS
24 ARTICLE.

25 2. THE FACILITY SHALL PRESENT THE TERRORIST WITH, AND REQUIRE THE
26 TERRORIST TO READ AND SIGN THE STANDARDIZED REGISTRATION FORM, PRODUCED
27 BY THE DIVISION PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-F OF THIS
28 ARTICLE, WHICH FORM SHALL, PURSUANT TO SECTION ONE HUNDRED SIXTY-NINE-F
29 OF THIS ARTICLE, PROVIDE A WRITTEN EXPLANATION OF THE TERRORIST'S DUTY
30 TO REGISTER AS WELL AS AN ACKNOWLEDGMENT THAT THE PROCEDURE FOR REGIS-
31 TRATION HAS BEEN PROVIDED TO HIM OR HER, AND THE FACILITY SHALL FURTHER
32 DIRECT SUCH TERRORIST TO COMPLETE THE REGISTRATION PORTION OF SUCH
33 STANDARDIZED REGISTRATION FORM.

34 3. THE FACILITY SHALL OBTAIN FROM SUCH STANDARDIZED REGISTRATION FORM
35 THE ADDRESS WHERE THE REGISTRANT EXPECTS TO RESIDE UPON HIS OR HER
36 DISCHARGE, PAROLE OR RELEASE, AND SHALL MAINTAIN SUCH FOR ITS RECORDS.

37 4. THE FACILITY SHALL GIVE ONE COPY OF THE COMPLETED STANDARDIZED
38 REGISTRATION FORM TO THE TERRORIST, AND SHALL DIRECT THE IMMEDIATE TRAN-
39 SMISSION OF TWO COPIES OF THE SAME TO THE DIVISION, WHICH IF IT HAS NOT
40 ALREADY, SHALL ADD SUCH PERSON TO THE NEW YORK STATE TERRORIST REGISTRY
41 AND FORWARD THE INFORMATION COLLECTED TO THE LAW ENFORCEMENT AGENCIES
42 HAVING JURISDICTION, IN ACCORDANCE WITH THIS ARTICLE.

43 5. WITHIN FIFTEEN DAYS OF THE SUBMISSION OF THE COMPLETED STANDARDIZED
44 REGISTRATION FORM TO THE FACILITY, OR WITHIN FIFTEEN DAYS OF THE
45 DISCHARGE, PAROLE, RELEASE TO POST-RELEASE SUPERVISION OR RELEASE FROM
46 ANY STATE OR LOCAL CORRECTIONAL FACILITY, HOSPITAL OR INSTITUTION WHERE
47 THE TERRORIST WAS CONFINED OR COMMITTED, WHICHEVER IS LATER, THE TERROR-
48 IST SHALL PRESENT THEMSELVES TO THE LAW ENFORCEMENT AGENCIES HAVING
49 JURISDICTION, IN ORDER TO SUBMIT TO A PHOTOGRAPH AND A DNA TEST, AND
50 INCLUDED WITH THE STANDARDIZED REGISTRATION FORM PREPARED BY THE DIVI-
51 SION IN ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-F OF THIS ARTI-
52 CLE, THE DIVISION, PURSUANT TO THE PROVISIONS OF SECTION ONE HUNDRED
53 SIXTY-NINE-E OF THIS ARTICLE, SHALL BE A NOTICE TO THE REGISTRANT, OF
54 WHEN AND WHERE TO PRESENT THEMSELVES TO THE LAW ENFORCEMENT AGENCIES
55 HAVING JURISDICTION, IN ORDER TO SUBMIT TO A PHOTOGRAPH, FINGERPRINTING
56 AND A DNA TEST.

1 6. AT ANY TIME AFTER THE EFFECTIVE DATE OF THIS ARTICLE, THE DIVISION
2 MAY REQUEST, AND THE DEPARTMENT SHALL THEN IMMEDIATELY TRANSMIT TO THE
3 DIVISION, ALL THE CONVICTION DATA AND FINGERPRINTS OF THE TERRORIST.

4 7. UPON RECEIPT OF THE CONVICTION DATA AND FINGERPRINTS IN ACCORDANCE
5 WITH SUBDIVISION SIX OF THIS SECTION, THE DIVISION SHALL IMMEDIATELY
6 TRANSMIT SUCH CONVICTION DATA AND FINGERPRINTS TO THE DIVISION OF HOME-
7 LAND SECURITY AND EMERGENCY SERVICES, THE FEDERAL BUREAU OF INVESTI-
8 GATION, AND THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY.

9 S 169-L. REGISTRATION AND VERIFICATION OF TERRORISTS. 1. ANY PERSON
10 ADDED TO THE NEW YORK STATE TERRORIST REGISTRY BY THE DIVISION, IN
11 ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-H OF THIS ARTICLE, SHALL
12 BE REQUIRED, AND HAVE THE DUTY TO REGISTER AND VERIFY, AND PROVIDE THE
13 REQUIRED REGISTRATION AND QUARTERLY VERIFICATION INFORMATION, IN ACCORD-
14 ANCE WITH SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE.

15 2. ANY TERRORIST ADDED TO THE NEW YORK STATE TERRORIST REGISTRY BY THE
16 DIVISION, SHALL BE REQUIRED, AND SHALL HAVE THE INITIAL DUTY TO:

17 (A) REGISTER UNDER THIS ARTICLE;

18 (B) PROVIDE THE DIVISION WITH A COMPLETED, SIGNED, STANDARD REGISTRA-
19 TION FORM, CONTAINING ALL THE REQUIRED REGISTRATION INFORMATION IN
20 ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE;

21 (C) APPEAR TO, AND BE PHOTOGRAPHED BY, THE SPECIFIED LAW ENFORCEMENT
22 AGENCY HAVING JURISDICTION;

23 (D) APPEAR TO, AND BE FINGERPRINTED BY, THE SPECIFIED LAW ENFORCEMENT
24 AGENCY HAVING JURISDICTION;

25 (E) APPEAR TO, AND SUBMIT TO A DNA SAMPLE TAKEN BY, THE SPECIFIED LAW
26 ENFORCEMENT AGENCY HAVING JURISDICTION; AND

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

29 3. ANY TERRORIST ADDED TO THE NEW YORK STATE TERRORIST REGISTRY BY THE
30 DIVISION, SHALL FURTHER BE REQUIRED, AND SHALL HAVE THE CONTINUING DUTY
31 TO:

32 (A) VERIFY UNDER THIS ARTICLE;

33 (B) PROVIDE THE DIVISION WITH A COMPLETED, SIGNED, STANDARD VERIFICA-
34 TION FORM, CONTAINING ALL THE REQUIRED VERIFICATION INFORMATION IN
35 ACCORDANCE WITH SECTION ONE HUNDRED SIXTY-NINE-D OF THIS ARTICLE;

36 (C) APPEAR TO, AND BE ANNUALLY PHOTOGRAPHED BY, THE SPECIFIED LAW
37 ENFORCEMENT AGENCY HAVING JURISDICTION; AND

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

40 4. THE DUTY TO REGISTER AND/OR VERIFY UNDER THE PROVISIONS OF THIS
41 ARTICLE SHALL NOT BE APPLICABLE TO ANY PERSON WHOSE CONVICTION WAS
42 REVERSED UPON APPEAL OR WHO WAS PARDONED BY THE GOVERNOR FOR THE OFFENSE
43 WHICH WAS THE REASON THE DIVISION ADDED SUCH PERSON TO THE NEW YORK
44 STATE TERRORIST REGISTRY.

45 5. ANY TERRORIST ADDED TO THE NEW YORK STATE TERRORIST REGISTRY, WHO
46 IS A RESIDENT OF NEW YORK STATE, SHALL REGISTER HIS OR HER CURRENT
47 ADDRESS AND THE ADDRESS OF HIS OR HER PLACE OF EMPLOYMENT OR EDUCATIONAL
48 INSTITUTION ATTENDED WITH THE DIVISION, AND SHALL NOTIFY THE DIVISION OF
49 ANY CHANGE OF RESIDENCE, EMPLOYMENT OR EDUCATIONAL INSTITUTION ADDRESS
50 IN ACCORDANCE WITH THE PROVISIONS OF THIS ARTICLE.

51 6. ANY TERRORIST ADDED TO THE NEW YORK STATE TERRORIST REGISTRY, WHO
52 IS NOT A RESIDENT OF NEW YORK STATE, BUT WHO IS EMPLOYED IN NEW YORK
53 STATE OR WHO ATTENDS AN EDUCATIONAL INSTITUTION IN NEW YORK STATE, SHALL
54 REGISTER HIS OR HER CURRENT ADDRESS AND THE ADDRESS OF HIS OR HER PLACE
55 OF EMPLOYMENT OR EDUCATIONAL INSTITUTION ATTENDED WITH THE DIVISION, AND
56 SHALL NOTIFY THE DIVISION OF ANY CHANGE OF RESIDENCE, EMPLOYMENT OR

1 EDUCATIONAL INSTITUTION ADDRESS IN ACCORDANCE WITH THE PROVISIONS OF
2 THIS ARTICLE.

3 S 169-M. PRIOR CONVICTIONS; DUTY TO INFORM AND REGISTER. 1. THE
4 DEPARTMENT OR OFFICE OF PROBATION AND CORRECTIONAL ALTERNATIVES SHALL
5 DETERMINE THE DURATION OF REGISTRATION AND NOTIFICATION FOR EVERY
6 TERRORIST WHO, ON THE EFFECTIVE DATE OF THIS ARTICLE, IS THEN ON COMMU-
7 NITY SUPERVISION OR PROBATION.

8 2. EVERY TERRORIST WHO, ON THE EFFECTIVE DATE OF THIS ARTICLE, IS THEN
9 ON COMMUNITY SUPERVISION OR PROBATION, WHO IS ADDED TO THE NEW YORK
10 STATE TERRORIST REGISTRY BY THE DIVISION PURSUANT TO SECTION ONE HUNDRED
11 SIXTY-NINE-H OF THIS ARTICLE, SHALL WITHIN FIFTEEN DAYS OF SUCH DETERMI-
12 NATION BY THE DIVISION, REGISTER, PURSUANT TO SECTION ONE HUNDRED
13 SIXTY-NINE-L OF THIS ARTICLE, WITH HIS OR HER PAROLE OR PROBATION OFFI-
14 CER.

15 3. ON THE THREE MONTH ANNIVERSARY OF THE TERRORIST'S INITIAL REGISTRA-
16 TION DATE, AND ON EVERY THREE MONTHS THEREAFTER, THE TERRORIST SHALL
17 FURTHER PROVIDE VERIFICATION AS REQUIRED PURSUANT TO SECTION ONE HUNDRED
18 SIXTY-NINE-L OF THIS ARTICLE.

19 4. ANY REGISTRANT WHO FAILS OR REFUSES TO SO COMPLY SHALL BE SUBJECT
20 TO THE SAME PENALTIES AS OTHERWISE PROVIDED FOR IN THIS ARTICLE WHICH
21 WOULD BE IMPOSED UPON A TERRORIST WHO FAILS OR REFUSES TO REGISTER
22 AND/OR VERIFY AS REQUIRED, AND SHALL BE SUBJECT TO THE PROVISIONS OF
23 SECTION ONE HUNDRED SIXTY-NINE-W OF THIS ARTICLE AND SECTION 490.23 OF
24 THE PENAL LAW.

25 5. IT SHALL BE THE DUTY OF THE PAROLE OR PROBATION OFFICER TO INFORM
26 AND REGISTER SUCH TERRORIST ACCORDING TO THE REQUIREMENTS IMPOSED BY
27 THIS ARTICLE.

28 6. UPON REGISTRATION, A PAROLE OR PROBATION OFFICER SHALL GIVE ONE
29 COPY OF THE STANDARDIZED REGISTRATION FORM TO THE TERRORIST AND SHALL,
30 WITHIN THREE CALENDAR DAYS, SEND ONE COPY TO THE DIVISION, AND TWO
31 COPIES EITHER ELECTRONICALLY OR OTHERWISE TO THE DEPARTMENT, WHEREUPON
32 THE DEPARTMENT SHALL FORWARD ONE COPY ELECTRONICALLY OR OTHERWISE TO THE
33 LAW ENFORCEMENT AGENCY HAVING JURISDICTION WHERE THE TERRORIST RESIDES
34 UPON HIS OR HER COMMUNITY SUPERVISION, PROBATION, OR LOCAL CONDITIONAL
35 RELEASE.

36 S 169-N. DURATION OF REGISTRATION AND VERIFICATION. THE DURATION OF
37 REGISTRATION AND VERIFICATION FOR A TERRORIST SHALL BE QUARTERLY FOR
38 LIFE.

39 S 169-O. NOTIFICATION OF CHANGE OF ADDRESS. 1. UPON RECEIPT OF A
40 CHANGE OF ADDRESS BY A TERRORIST REQUIRED TO REGISTER UNDER THIS ARTI-
41 CLE, THE DIVISION SHALL NOTIFY THE LOCAL LAW ENFORCEMENT AGENCY HAVING
42 JURISDICTION OF THE NEW PLACE OF RESIDENCE AND THE LOCAL LAW ENFORCEMENT
43 AGENCY WHERE THE TERRORIST LAST RESIDED OF THE NEW PLACE OF RESIDENCE.

44 2. UPON RECEIPT OF CHANGE OF ADDRESS INFORMATION, THE LOCAL LAW
45 ENFORCEMENT AGENCY HAVING JURISDICTION OF THE NEW PLACE OF RESIDENCE
46 SHALL ADHERE TO THE NOTIFICATION PROVISIONS SET FORTH IN THIS ARTICLE.

47 3. THE DIVISION SHALL, IF THE TERRORIST CHANGES RESIDENCE TO ANOTHER
48 STATE, NOTIFY THE APPROPRIATE AGENCY WITHIN THAT STATE OF THE NEW PLACE
49 OF RESIDENCE.

50 S 169-P. REGISTRY INFORMATION SHARING. 1. THE DIVISION, PURSUANT TO
51 THIS SECTION, IS AUTHORIZED TO SHARE THE NEW YORK STATE TERRORIST REGIS-
52 TRY, AND ALL OF ITS INFORMATION CONTAINED THEREIN, WITH THE DIVISION OF
53 HOMELAND SECURITY AND EMERGENCY SERVICES, THE DIVISION OF STATE POLICE,
54 THE DEPARTMENT, ANY COURT OF THE UNIFIED COURT SYSTEM, THE UNITED STATES
55 DEPARTMENT OF HOMELAND SECURITY, THE UNITED STATES DEPARTMENT OF
56 JUSTICE, THE UNITED STATES DEPARTMENT OF STATE, THE OFFICE OF THE DIREC-

1 TOR OF NATIONAL INTELLIGENCE, ANY LOCAL, STATE, NATIONAL AND INTERNA-
2 TIONAL LAW ENFORCEMENT ENTITY, AND/OR ANY OTHER ENTITY THAT THE DIVISION
3 DEEMS APPROPRIATE TO ADVANCE THE PURPOSES OF THIS ARTICLE.

4 2. THE DIVISION, PURSUANT TO THIS SECTION, IS FURTHER AUTHORIZED TO
5 SHARE THE NEW YORK STATE TERRORIST REGISTRY, AND ALL OF ITS INFORMATION
6 CONTAINED THEREIN, WITH STATE, REGIONAL OR NATIONAL REGISTRY OF TERROR-
7 ISTS, INCLUDING BUT NOT LIMITED TO, THE TERRORIST SCREENING DATABASE
8 MAINTAINED BY THE FEDERAL BUREAU OF INVESTIGATION'S TERRORIST SCREENING
9 CENTER, AND/OR ANY AND ALL OTHER DATABASES MAINTAINED BY THE DIVISION OF
10 THE STATE POLICE, AND/OR ANY AND ALL OTHER DATABASES MAINTAINED BY ANY
11 LOCAL, STATE, NATIONAL AND INTERNATIONAL LAW ENFORCEMENT ENTITIES,
12 AND/OR ANY OTHER ENTITY THAT MAINTAINS A CRIMINAL JUSTICE OR TERRORIST
13 DATABASE THAT THE DIVISION DEEMS APPROPRIATE TO ADVANCE THE PURPOSES OF
14 THIS ARTICLE.

15 3. THE DIVISION, PURSUANT TO THIS SECTION, MAY FURTHER ACCEPT FROM THE
16 DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES, THE DIVISION OF
17 STATE POLICE, THE DEPARTMENT, ANY COURT OF THE UNIFIED COURT SYSTEM, THE
18 UNITED STATES DEPARTMENT OF HOMELAND SECURITY, THE UNITED STATES DEPART-
19 MENT OF JUSTICE, THE UNITED STATES DEPARTMENT OF STATE, THE OFFICE OF
20 THE DIRECTOR OF NATIONAL INTELLIGENCE, ANY LOCAL, STATE, NATIONAL AND
21 INTERNATIONAL LAW ENFORCEMENT ENTITY, AND/OR ANY OTHER ENTITY THAT THE
22 DIVISION DEEMS APPROPRIATE, ANY AND ALL INFORMATION THAT THE DIVISION
23 DEEMS WILL ADVANCE THE PURPOSES OF THIS ARTICLE, AND SHALL, AS CONSIST-
24 ENT WITH THE PROVISIONS OF THIS SECTION REGARDING SECURE INFORMATION,
25 MAKE SUCH INFORMATION AVAILABLE WHEN REQUESTED PURSUANT TO THE
26 PROVISIONS OF THIS ARTICLE.

27 4. THE DIVISION, PURSUANT TO THIS SECTION, MAY FURTHER ACCEPT FROM ANY
28 STATE, REGIONAL OR NATIONAL REGISTRY OF TERRORISTS, INCLUDING BUT NOT
29 LIMITED TO, THE TERRORIST SCREENING DATABASE MAINTAINED BY THE FEDERAL
30 BUREAU OF INVESTIGATION'S TERRORIST SCREENING CENTER, AND/OR ANY AND ALL
31 OTHER DATABASES MAINTAINED BY THE DIVISION OF THE STATE POLICE, AND/OR
32 ANY AND ALL OTHER DATABASES MAINTAINED BY ANY LOCAL, STATE, NATIONAL AND
33 INTERNATIONAL LAW ENFORCEMENT ENTITIES, AND/OR ANY OTHER ENTITY THAT
34 MAINTAINS A CRIMINAL JUSTICE OR TERRORIST DATABASE THAT THE DIVISION
35 DEEMS APPROPRIATE, ANY AND ALL INFORMATION THAT THE DIVISION DEEMS WILL
36 ADVANCE THE PURPOSES OF THIS ARTICLE, AND SHALL, AS CONSISTENT WITH THE
37 PROVISIONS OF THIS SECTION REGARDING SECURE INFORMATION, MAKE SUCH
38 INFORMATION AVAILABLE WHEN REQUESTED PURSUANT TO THE PROVISIONS OF THIS
39 ARTICLE.

40 5. THE DIVISION, PURSUANT TO THIS SECTION, IN CONSULTATION WITH THE
41 DIVISION OF HOMELAND SECURITY AND EMERGENCY SERVICES AND THE DIVISION OF
42 STATE POLICE, SHALL REVIEW THE INFORMATION CONTAINED ON THE REGISTRY,
43 AND SHALL DETERMINE WHETHER THE DISCLOSURE OF ANY PARTICULAR INFORMATION
44 CONTAINED ON THE REGISTRY MAY CAUSE A SECURITY RISK TO THE PEOPLE OR
45 PROPERTY OF THE STATE OF NEW YORK.

46 6. UPON THE REVIEW MADE IN ACCORDANCE WITH SUBDIVISION FIVE OF THIS
47 SECTION, AND A DETERMINATION THAT PARTICULAR INFORMATION NEEDS TO BE
48 DEEMED SECURE, THE DIVISION SHALL REMOVE SUCH SECURE INFORMATION FROM
49 PUBLIC ACCESSIBILITY, INCLUDING EXEMPTING SUCH INFORMATION FROM THE
50 REQUIREMENTS OF THE POSTING ON THE DIVISION'S WEBSITE, PURSUANT TO
51 SECTION ONE HUNDRED SIXTY-NINE-T OF THIS ARTICLE, OR PROVIDING SUCH
52 THROUGH THE SPECIAL TELEPHONE NUMBER IN ACCORDANCE WITH SECTION ONE
53 HUNDRED SIXTY-NINE-S OF THIS ARTICLE.

54 7. ANY INFORMATION DEEMED SECURE PURSUANT TO THIS SECTION SHALL NOT BE
55 SUBJECT TO THE PROVISIONS OF THE NEW YORK STATE FREEDOM OF INFORMATION
56 LAW PURSUANT TO ARTICLE SIX OF THE PUBLIC OFFICERS LAW.

1 8. IN NO EVENT SHALL A DETERMINATION THAT PARTICULAR INFORMATION SHALL
2 BE DEEMED SECURE, PURSUANT TO THIS SECTION, PREVENT THE DIVISION FROM
3 SHARING SUCH SECURE INFORMATION WITH ANY ENTITY IDENTIFIED FOR REGISTRY
4 INFORMATION SHARING PURSUANT TO THIS SECTION.

5 S 169-Q. DNA AND FINGERPRINT CUSTODY AND ANALYSIS. 1. THE DIVISION,
6 PURSUANT TO THIS SECTION, SHALL PROVIDE FOR THE SECURE CUSTODIAL TRANS-
7 FER OF THE DNA SAMPLE COLLECTED FROM THE TERRORIST BY THE LAW ENFORCE-
8 MENT AGENCY HAVING JURISDICTION TO THE LABORATORY MAINTAINED BY THE
9 DIVISION OF STATE POLICE, AND/OR ANY OTHER APPROVED DNA ANALYSIS ENTITY
10 AS CONTRACTED WITH BY THE DIVISION, FOR THE PRESERVATION, STORAGE AND
11 ANALYSIS OF SUCH DNA SAMPLE.

12 2. THE DIVISION SHALL FURTHER PROVIDE FOR THE SUBSEQUENT SECURE CUSTO-
13 DIAL TRANSFER OF THE DNA SAMPLE, AND/OR THE ANALYSIS PRODUCED THEREFROM,
14 TO THE STATE DNA IDENTIFICATION INDEX, MAINTAINED PURSUANT TO SECTION
15 NINE HUNDRED NINETY-FIVE-C OF THE EXECUTIVE LAW.

16 3. THE DIVISION, PURSUANT TO THIS SECTION, SHALL ALSO PROVIDE FOR THE
17 SECURE, CUSTODIAL TRANSFER OF THE FINGERPRINTS COLLECTED FROM THE
18 TERRORIST BY THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION, TO THE
19 LABORATORY MAINTAINED BY THE DIVISION OF STATE POLICE, AND/OR ANY OTHER
20 APPROVED FINGERPRINT ANALYSIS ENTITY AS CONTRACTED WITH BY THE DIVISION,
21 FOR THE PRESERVATION, STORAGE AND ANALYSIS OF SUCH FINGERPRINTS.

22 S 169-R. REGISTRY AND VERIFICATION FEES. 1. THE DIVISION, PURSUANT TO
23 THIS SECTION, SHALL:

24 (A) CHARGE A FEE OF ONE HUNDRED DOLLARS FOR THE INITIAL REGISTRATION
25 OF THE TERRORIST;

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

28 (C) CHARGE A FEE OF TEN DOLLARS EACH TIME A TERRORIST APPEARS BEFORE
29 THE LAW ENFORCEMENT AGENCY HAVING JURISDICTION TO PROVIDE AN UPDATED
30 ANNUAL PHOTOGRAPH.

31 2. ALL FEES CHARGED, PURSUANT TO THIS SECTION, SHALL BE PAID TO THE
32 DIVISION BY THE TERRORIST, AT THE TIME AND MANNER PRESCRIBED BY THE
33 DIVISION.

34 3. THE STATE COMPTROLLER IS HEREBY AUTHORIZED TO DEPOSIT ANY AND ALL
35 FEES COLLECTED PURSUANT TO THIS SECTION INTO THE GENERAL FUND.

36 S 169-S. SPECIAL TELEPHONE NUMBER. 1. THE DIVISION SHALL OPERATE A
37 TELEPHONE NUMBER THAT MEMBERS OF THE PUBLIC MAY CALL FREE OF CHARGE AND
38 INQUIRE WHETHER A NAMED INDIVIDUAL REQUIRED TO REGISTER PURSUANT TO THIS
39 ARTICLE IS LISTED ON THE NEW YORK STATE TERRORIST REGISTRY.

40 2. THE DIVISION SHALL ASCERTAIN WHETHER A NAMED PERSON REASONABLY
41 APPEARS TO BE A PERSON SO LISTED AND PROVIDE THE CALLER WITH THE RELE-
42 VANT INFORMATION.

43 3. THE DIVISION SHALL DECIDE WHETHER THE NAMED PERSON REASONABLY
44 APPEARS TO BE A PERSON LISTED ON THE NEW YORK STATE TERRORIST REGISTRY,
45 BASED UPON INFORMATION FROM THE CALLER PROVIDING INFORMATION THAT SHALL
46 INCLUDE ANY THREE OF THE FOLLOWING:

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

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

51 (C) THE BIRTH DATE OF THE TERRORIST;

52 (D) THE SOCIAL SECURITY NUMBER OR TAXPAYER IDENTIFICATION NUMBER OF
53 THE TERRORIST;

54 (E) THE HAIR COLOR OR EYE COLOR OF THE TERRORIST;

55 (F) THE HEIGHT, WEIGHT, OR BUILD OF THE TERRORIST;

56 (G) ANY DISTINCTIVE MARKINGS OR THE ETHNICITY OF THE TERRORIST; AND/OR

1 (H) THE NAME AND STREET ADDRESS OF THE TERRORIST'S EMPLOYER.

2 4. THAT UPON ASCERTAINING THAT THE NAMED PERSON REASONABLY APPEARS TO
3 BE A PERSON LISTED ON THE NEW YORK STATE TERRORIST REGISTRY, BASED UPON
4 INFORMATION FROM THE CALLER PROVIDING INFORMATION IN ACCORDANCE WITH
5 SUBDIVISION THREE OF THIS SECTION, THE DIVISION SHALL PROVIDE THE CALLER
6 WITH THE FOLLOWING INFORMATION:

7 (A) THE NAME OF THE TERRORIST;

8 (B) THE AGE, PHYSICAL DESCRIPTION AND ANY DISTINCTIVE MARKINGS OF THE
9 TERRORIST;

10 (C) THE MOST RECENT PHOTOGRAPH OF THE TERRORIST TAKEN BY THE LAW
11 ENFORCEMENT AGENCY HAVING JURISDICTION;

12 (D) THE EXACT RESIDENTIAL ADDRESS OF THE TERRORIST;

13 (E) IF THE TERRORIST IS EMPLOYED, THE EXACT ADDRESS OF THE TERRORIST'S
14 PLACE OF EMPLOYMENT;

15 (F) IF THE TERRORIST IS A STUDENT, THE EXACT ADDRESS OF THE EDUCA-
16 TIONAL INSTITUTION THE TERRORIST IS ATTENDING; AND

17 (G) BACKGROUND INFORMATION ON THE TERRORIST, INCLUDING FOR EACH AND
18 EVERY TERRORIST INCIDENT INVOLVING THE TERRORIST, THE TERRORIST'S CRIME
19 OF CONVICTION, VERIFIABLE ACT OF TERRORISM, MODUS OF OPERATION, AND ANY
20 OTHER INFORMATION THE DIVISION DEEMS RELEVANT.

21 5. WHEN THE SPECIAL TELEPHONE NUMBER IS CALLED, A PREAMBLE SHALL BE
22 PLAYED BY THE DIVISION, WHICH SHALL PROVIDE THE FOLLOWING NOTICES:

23 (A) THAT THE CALLER'S TELEPHONE NUMBER WILL BE RECORDED;

24 (B) THAT THERE WILL BE NO CHARGE TO THE CALLER FOR USE OF THE SPECIAL
25 TELEPHONE NUMBER;

26 (C) THAT THE CALLER SHALL BE REQUIRED TO PROVIDE THEIR NAME AND
27 ADDRESS TO THE OPERATOR AND THAT SUCH SHALL BE MAINTAINED IN A WRITTEN
28 RECORD;

29 (D) THAT THE CALLER IS REQUIRED TO BE NOT LESS THAN EIGHTEEN YEARS OF
30 AGE;

31 (E) THAT IT IS ILLEGAL TO USE INFORMATION OBTAINED THROUGH THE TELE-
32 PHONE NUMBER TO COMMIT A CRIME AGAINST ANY PERSON REGISTERED ON THE NEW
33 YORK STATE TERRORIST REGISTRY, OR TO ENGAGE IN ILLEGAL DISCRIMINATION OR
34 HARASSMENT AGAINST SUCH PERSON;

35 (F) THAT THE CALLER IS REQUIRED TO HAVE THE IDENTIFYING INFORMATION
36 REQUIRED TO BE PROVIDED IN SUBDIVISION THREE OF THIS SECTION REGARDING
37 THE PERSON ABOUT WHOM INFORMATION IS SOUGHT IN ORDER TO ACHIEVE A POSI-
38 TIVE IDENTIFICATION OF THAT PERSON;

39 (G) THAT THE SPECIAL TELEPHONE NUMBER IS NOT A CRIME HOTLINE AND THAT
40 ANY SUSPECTED CRIMINAL OR TERRORIST ACTIVITY SHOULD BE REPORTED TO THE
41 LOCAL, STATE OR FEDERAL AUTHORITIES; AND

42 (H) THAT AN INFORMATION PACKAGE WHICH WILL INCLUDE A DESCRIPTION OF
43 THE LAW PERTAINING TO THE NEW YORK STATE TERRORIST REGISTRY IS AVAILABLE
44 UPON REQUEST FROM THE DIVISION.

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

1 7. THE DIVISION SHALL ON OR BEFORE SEPTEMBER FIRST IN EACH YEAR FILE A
2 REPORT WITH THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE
3 SPEAKER OF THE STATE ASSEMBLY, THE CHAIR OF THE SENATE STANDING COMMIT-
4 TEE ON VETERANS, HOMELAND SECURITY AND MILITARY AFFAIRS, AND THE CHAIR
5 OF THE ASSEMBLY STANDING COMMITTEE ON GOVERNMENTAL OPERATIONS, ON THE
6 OPERATION OF THE TELEPHONE NUMBER, AND SUCH ANNUAL REPORT SHALL INCLUDE,
7 BUT NOT BE LIMITED TO, ALL OF THE FOLLOWING:

8 (A) THE NUMBER OF CALLS RECEIVED;

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

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

14 (D) A SUMMARY OF THE SUCCESS OF THE TELEPHONE NUMBER PROGRAM BASED
15 UPON THE ABOVE OR ANY OTHER SELECTED FACTORS THE DIVISION SHALL DEEM
16 RELEVANT.

17 8. THE DIVISION SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT
18 THE PROVISIONS OF THIS SECTION.

19 S 169-T. INTERNET DIRECTORY. 1. THE DIVISION SHALL MAINTAIN AN INTER-
20 NET DIRECTORY OF TERRORISTS, WHICH SHALL INCLUDE FOR EACH TERRORIST:

21 (A) THE NAME OF THE TERRORIST;

22 (B) THE AGE, PHYSICAL DESCRIPTION AND ANY DISTINCTIVE MARKINGS OF THE
23 TERRORIST;

24 (C) THE MOST RECENT PHOTOGRAPH OF THE TERRORIST TAKEN BY THE LAW
25 ENFORCEMENT AGENCY HAVING JURISDICTION;

26 (D) THE EXACT RESIDENTIAL ADDRESS OF THE TERRORIST;

27 (E) IF THE TERRORIST IS EMPLOYED, THE EXACT ADDRESS OF THE TERRORIST'S
28 PLACE OF EMPLOYMENT;

29 (F) IF THE TERRORIST BE A STUDENT, THE EXACT ADDRESS OF THE EDUCA-
30 TIONAL INSTITUTION THE TERRORIST IS ATTENDING; AND

31 (G) BACKGROUND INFORMATION ON THE TERRORIST, INCLUDING EACH AND EVERY
32 TERRORIST INCIDENT INVOLVING THE TERRORIST, THE TERRORIST'S CRIME OF
33 CONVICTION, VERIFIABLE ACT OF TERRORISM, MODUS OF OPERATION, AND ANY
34 OTHER INFORMATION THE DIVISION DEEMS RELEVANT.

35 2. THE INTERNET DIRECTORY SHALL HAVE TERRORIST LISTINGS CATEGORIZED BY
36 COUNTY AND ZIP CODE.

37 3. THE INTERNET DIRECTORY SHALL BE MADE AVAILABLE AT ALL TIMES ON THE
38 INTERNET VIA THE DIVISION HOMEPAGE.

39 4. ANY PERSON MAY APPLY TO THE DIVISION TO RECEIVE AUTOMATED E-MAIL
40 NOTIFICATIONS WHENEVER A NEW OR UPDATED REGISTRATION OCCURS ON THE NEW
41 YORK STATE TERRORIST REGISTRY, IN THE GEOGRAPHIC AREA SPECIFIED BY SUCH
42 PERSON, BUT UNLESS THE APPLICANT IS AN EMPLOYEE OR ENTITY OF A STATE,
43 LOCAL OR FEDERAL GOVERNMENT, ACTING IN THEIR OFFICIAL CAPACITY, SUCH
44 E-MAIL NOTIFICATIONS SHALL BE LIMITED TO THREE GEOGRAPHIC AREAS PER
45 E-MAIL ACCOUNT.

46 5. THE DIVISION SHALL NOT CHARGE FOR ACCESS TO THE INTERNET DIRECTORY
47 NOR FOR THE RECEIPT OF E-MAIL NOTIFICATIONS.

48 6. ANY PERSON WHO USES INFORMATION DISCLOSED PURSUANT TO THIS SECTION
49 IN VIOLATION OF THE LAW SHALL IN ADDITION TO ANY OTHER PENALTY OR FINE
50 IMPOSED, BE SUBJECT TO A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS AND
51 NOT MORE THAN ONE THOUSAND DOLLARS.

52 7. THE DIVISION SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT
53 THE PROVISIONS OF THIS SECTION.

54 S 169-U. IMMUNITY FROM LIABILITY. 1. NO OFFICIAL, EMPLOYEE OR AGENCY,
55 WHETHER PUBLIC OR PRIVATE, SHALL BE SUBJECT TO ANY CIVIL OR CRIMINAL
56 LIABILITY FOR DAMAGES FOR ANY DISCRETIONARY DECISION TO RELEASE RELEVANT

1 AND NECESSARY INFORMATION PURSUANT TO THIS ARTICLE, UNLESS IT IS SHOWN
2 THAT SUCH OFFICIAL, EMPLOYEE OR AGENCY ACTED WITH GROSS NEGLIGENCE OR IN
3 BAD FAITH. THE IMMUNITY PROVIDED UNDER THIS SECTION APPLIES TO THE
4 RELEASE OF RELEVANT INFORMATION TO OTHER STATE, LOCAL AND/OR FEDERAL
5 EMPLOYEES OR OFFICIALS, OR TO THE GENERAL PUBLIC.

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

12 S 169-V. ANNUAL REPORT. THE DIVISION SHALL ON OR BEFORE SEPTEMBER
13 FIRST IN EACH YEAR FILE A REPORT WITH THE GOVERNOR, THE TEMPORARY PRESI-
14 DENT OF THE SENATE, THE SPEAKER OF THE STATE ASSEMBLY, THE CHAIR OF THE
15 SENATE STANDING COMMITTEE ON VETERANS, HOMELAND SECURITY AND MILITARY
16 AFFAIRS, AND THE CHAIR OF THE ASSEMBLY STANDING COMMITTEE ON GOVERN-
17 MENTAL OPERATIONS, DETAILING THE NEW YORK STATE TERRORIST REGISTRY
18 PROGRAM ESTABLISHED BY THIS ARTICLE, THE DIVISION'S EXPERIENCE CONCERN-
19 ING COMPLIANCE WITH PROVISIONS OF THIS ARTICLE, AND THE DIVISION'S EXPE-
20 RIENCE CONCERNING THE EFFECTIVENESS OF THIS ARTICLE, TOGETHER WITH ANY
21 RECOMMENDATIONS THE DIVISION MAY HAVE TO FURTHER ENHANCE THE INTENT OF
22 THIS ARTICLE.

23 S 169-W. PENALTY. ANY TERRORIST REQUIRED TO REGISTER, OR TO PROVIDE
24 INFORMATION, OR SUPPLEMENTAL INFORMATION, OR VERIFICATION, PURSUANT TO
25 THE PROVISIONS OF THIS ARTICLE, OR WHO FAILS TO REGISTER OR TO PROVIDE
26 INFORMATION, OR SUPPLEMENTAL INFORMATION, OR VERIFICATION, IN THE MANNER
27 AND WITHIN THE TIME PERIODS PROVIDED FOR IN THIS ARTICLE, SHALL BE GUIL-
28 TY OF A CLASS A FELONY, PURSUANT TO SECTION 490.23 OF THE PENAL LAW. ANY
29 SUCH FAILURE TO REGISTER OR TO PROVIDE INFORMATION, OR SUPPLEMENTAL
30 INFORMATION, OR VERIFICATION, PURSUANT TO THE PROVISIONS OF THIS ARTI-
31 CLE, MAY ALSO BE THE BASIS FOR REVOCATION OF PAROLE PURSUANT TO SECTION
32 TWO HUNDRED FIFTY-NINE-I OF THE EXECUTIVE LAW, OR THE BASIS FOR REVOCA-
33 TION OF PROBATION PURSUANT TO ARTICLE FOUR HUNDRED TEN OF THIS CHAPTER.

34 S 169-X. UNAUTHORIZED RELEASE OF INFORMATION. THE UNAUTHORIZED RELEASE
35 OF ANY INFORMATION REQUIRED BY THIS ARTICLE SHALL BE A CLASS B MISDEMEA-
36 NOR.

37 S 169-Y. SEPARABILITY. IF ANY SECTION OF THIS ARTICLE, OR PART THEREOF
38 SHALL BE ADJUDGED BY A COURT OF COMPETENT JURISDICTION TO BE INVALID,
39 SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER OR
40 ANY OTHER SECTION OR PART THEREOF.

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

43 S 490.23 FAILURE TO REGISTER OR VERIFY WITH THE NEW YORK STATE TERRORIST
44 REGISTRY.

45 A PERSON IS GUILTY OF FAILURE TO REGISTER OR VERIFY WITH THE NEW YORK
46 STATE TERRORIST REGISTRY, WHEN HE OR SHE IS REQUIRED TO REGISTER OR
47 VERIFY WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES PURSUANT TO ARTI-
48 CLE SIX-D OF THE CORRECTION LAW, AND FAILS TO REGISTER AS REQUIRED
49 PURSUANT TO ARTICLE SIX-D OF THE CORRECTION LAW, OR FAILS TO PROVIDE
50 REQUIRED INFORMATION, OR SUPPLEMENTAL INFORMATION, OR VERIFICATION AS
51 REQUIRED PURSUANT TO ARTICLE SIX-D OF THE CORRECTION LAW.

52 FAILURE TO REGISTER OR VERIFY WITH THE NEW YORK STATE TERRORIST REGIS-
53 TRY IS A CLASS A FELONY.

54 S 6. This act shall take effect on the first of November next succeed-
55 ing the date on which it shall have become a law.