

4776--A

2015-2016 Regular Sessions

I N   S E N A T E

April 15, 2015

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Introduced by Sens. FUNKE, KENNEDY -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- recommitted to the Committee on Crime Victims, Crime and Correction in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 168-1 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

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

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1 description of special conditions imposed on the offender to any entity  
2 with vulnerable populations related to the nature of the offense commit-  
3 ted by such sex offender. Any entity receiving information on a sex  
4 offender may disclose or further disseminate such information at its  
5 discretion. IN ADDITION, IN EACH SUCH CASE, THE NAME OF THE SEX OFFEN-  
6 DER, A PHOTOGRAPH OF THE SEX OFFENDER AND APPROXIMATE ADDRESS BASED ON  
7 THE SEX OFFENDER'S ZIP CODE SHALL ALSO BE PROVIDED IN THE DIRECTORY  
8 ESTABLISHED IN THIS ARTICLE.

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

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

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

1 provision of law, such information shall, upon request, be made avail-  
2 able to the public.

3 Such law enforcement agencies shall compile, maintain and update a  
4 listing of vulnerable organizational entities within its jurisdiction.  
5 Such listing shall be utilized for notification of such organizations in  
6 disseminating such information on level three sex offenders pursuant to  
7 this paragraph. Such listing shall include and not be limited to:  
8 superintendents of schools or chief school administrators, superinten-  
9 dents of parks, public and private libraries, public and private school  
10 bus transportation companies, day care centers, nursery schools, pre-  
11 schools, neighborhood watch groups, community centers, civic associ-  
12 ations, nursing homes, victim's advocacy groups and places of worship.

13 S 3. Section 168-q of the correction law, as added by chapter 192 of  
14 the laws of 1995, the section heading as amended by chapter 106 of the  
15 laws of 2006, subdivision 1 as amended by chapter 462 of the laws of  
16 2014, is amended to read as follows:

17 S 168-q. [Subdirectory] DIRECTORY; internet posting. 1. The division  
18 shall maintain a [subdirectory of level two and three] DIRECTORY OF sex  
19 offenders[. The subdirectory] WHICH SHALL BE MADE AVAILABLE AT ALL TIMES  
20 ON THE INTERNET VIA THE DIVISION HOMEPAGE FOR PURPOSES OF PUBLIC ACCESS.

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

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

46 2. Any person who uses information disclosed pursuant to this section  
47 in violation of the law shall in addition to any other penalty or fine  
48 imposed, be subject to a fine of not less than five hundred dollars and  
49 not more than one thousand dollars. Unauthorized removal or duplication  
50 of the [subdirectory] DIRECTORY from the offices of local, village or  
51 city police department shall be punishable by a fine not to exceed one  
52 thousand dollars. In addition, the attorney general, any district attor-  
53 ney, or any person aggrieved is authorized to bring a civil action in  
54 the appropriate court requesting preventive relief, including an appli-  
55 cation for a permanent or temporary injunction, restraining order, or  
56 other order against the person or group of persons responsible for such

1 action. The foregoing remedies shall be independent of any other reme-  
2 dies or procedures that may be available to an aggrieved party under  
3 other provisions of law.  
4 S 4. This act shall take effect on the one hundred eightieth day after  
5 it shall have become a law.