

# STATE OF NEW YORK

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3363

2017-2018 Regular Sessions

## IN ASSEMBLY

January 27, 2017

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Introduced by M. of A. DenDEKKER -- read once and referred to the  
Committee on Governmental Operations

AN ACT to amend the executive law, the correction law, the penal law,  
and the state finance law, in relation to the establishment of the New  
York state terrorist registry

The People of the State of New York, represented in Senate and Assem-  
bly, 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 § 2. The executive law is amended by adding a new section 719 to read  
4 as follows:

5 § 719. Terrorist registry information sharing. 1. Upon request, the  
6 division of criminal justice services shall provide any and all informa-  
7 tion it obtains, on any terrorist required to be registered pursuant to  
8 article six-D of the correction law, to the division of homeland securi-  
9 ty and emergency services, and the provision of such information shall  
10 be in the form and manner as the division of homeland security and emer-  
11 gency services may so request.

12 2. Upon request, the division of criminal justice services shall  
13 further regularly supplement the information provided pursuant to subdi-  
14 vision one of this section, so as to deliver any new, different or addi-  
15 tional information not previously provided to the division of homeland  
16 security and emergency services.

17 3. The division of homeland security and emergency services shall  
18 provide the division of criminal justice services with any and all  
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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§ 3. The executive law is amended by adding a new section 233 to read as follows:

§ 233. Terrorist registry information sharing. 1. Upon request, the division of criminal justice services shall provide any and all information it obtains, on any terrorist required to be registered pursuant to article six-D of the correction law, to the division of state police, and the provision of such information shall be in the form and manner as the division of state police may so request.

2. Upon request, the division of criminal justice services shall further regularly supplement the information provided pursuant to subdivision one of this section, so as to deliver any new, different, or additional information not previously provided to the division of state police.

3. The division of state police shall provide the division of criminal justice services with any and all information the division of criminal justice services shall require, in order to maintain an accurate and complete registration of terrorists pursuant to article six-D of the correction law, and the provision of such information shall be in the form and manner as the division of criminal justice services shall so request.

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

#### ARTICLE 6-D

#### TERRORIST REGISTRY

#### Section 169-a. Legislative findings.

#### 169-b. Definitions.

#### 169-c. Duties of the division.

#### 169-d. Registration information.

#### 169-e. Registrant notification; standardized registration and verification forms.

#### 169-f. Examination of potential registrants.

#### 169-g. Initial assembly of the registry.

#### 169-h. Registration and verification of terrorists.

#### 169-i. Duties of the court.

#### 169-j. Responsibilities of a confinement entity prior to discharge of a terrorist.

#### 169-k. Responsibilities during community supervision or probation.

#### 169-l. Duration of registration and verification.

#### 169-m. Notification of change of address.

#### 169-n. Registry information sharing.

#### 169-o. DNA and fingerprint custody and analysis.

#### 169-p. Registry and verification fees.

#### 169-q. Special telephone number.

#### 169-r. Internet directory.

#### 169-s. Immunity from liability.

#### 169-t. Annual report.

#### 169-u. Penalty.

#### 169-v. Unauthorized release of information.

#### 169-w. Expenses incurred by governmental entities.

#### 169-x. Separability.

§ 169-a. Legislative findings. The legislature finds and determines that terrorism is a serious threat to the public safety of the people of the state of New York.

The legislature additionally finds and determines, that it is the 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 § 169-b. Definitions. As used in this article, the following defi-  
19 nitions 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) Convicted by a combat status review tribunal or military commis-  
44 sion of any act of terrorism, terrorist activities, or the harboring,  
45 support and/or promotion of terrorists of terrorist activities;

46 (b) Convicted by a military or civilian court of competent jurisdic-  
47 tion of any act of terrorism, terrorist activities, or the harboring,  
48 support and/or promotion of terrorists or terrorist activities in  
49 violation of the uniform code of military justice;

50 (c) Subject to an order of detention by the armed forces of the United  
51 States, any other government agency of the United States, or any  
52 contractor of the government of the United States that is authorized by  
53 the government of the United States to make such detentions, upon a  
54 determination that such person was at any time, a foreign enemy comba-  
55 tant or an illegal enemy combatant;

1 (d) Deported or transported, to a country, other than the United  
2 States, by the government of the United States, or any department or  
3 agency thereof, upon a determination of involvement in terrorist activ-  
4 ities, or the harboring, support and/or promotion of terrorists or  
5 terrorist activities; or

6 (e) Designated by the United States department of homeland security,  
7 the United States department of state, the United States department of  
8 justice, the United States department of defense or any of its armed  
9 services, the United States central intelligence agency, and/or the  
10 office of the director of national intelligence, as a person who has  
11 committed a terrorist act against the United States or any of its citi-  
12 zens, and/or who is a member of a designated terrorist organization  
13 pursuant to section 1189 of title 8 of the United States Code.

14 4. "Terrorist incident" means any incident which was the basis of a  
15 conviction for any terrorist offense, as defined by subdivision two of  
16 this section, or any incident which was the basis for a verifiable act  
17 of terrorism, as defined by subdivision three of this section.

18 5. "Law enforcement agency having jurisdiction" means:

19 (a) The chief law enforcement officer in the village, town or city in  
20 which the terrorist expects to reside, or actually resides, upon his or  
21 her discharge, probation, parole, release to post-release supervision,  
22 or upon any other form of federal, state or local conditional release;  
23 or

24 (b) If the terrorist does not receive discharge, probation, parole,  
25 release to post-release supervision, or any other form of federal, state  
26 or local conditional release, then the chief law enforcement officer in  
27 the village, town or city in which the terrorist actually resides; or

28 (c) If there is no chief law enforcement officer in such village, town  
29 or city, the chief law enforcement officer of the county; or

30 (d) If there is no chief enforcement officer in such village, town,  
31 city or county, the division of state police.

32 6. "Division" means the division of criminal justice services as  
33 defined by section eight hundred thirty-seven of the executive law.

34 7. "Department" means the department of corrections and community  
35 supervision, as defined in subdivision one of section two, and section  
36 five, of this chapter.

37 8. "Office of probation and correctional alternatives" means the  
38 office of probation and correctional alternatives as described in  
39 section two hundred forty of the executive law.

40 9. "Hospital" means a hospital as defined in subdivision two of  
41 section four hundred of this chapter and applies to persons committed to  
42 such hospital by order of commitment made pursuant to article sixteen of  
43 this chapter.

44 10. "Local correctional facility" means the local correctional facili-  
45 ty as that term is defined in subdivision sixteen of section two of this  
46 chapter.

47 11. "Probation" means a sentence of probation imposed pursuant to  
48 article sixty-five of the penal law and shall include a sentence of  
49 imprisonment imposed in conjunction with a sentence of probation.

50 12. "Internet access provider" means any business, organization or  
51 other entity engaged in the business of providing a computer and commu-  
52 nications facility through which a customer may obtain access to the  
53 internet.

54 13. "Internet service provider" means any business, organization or  
55 other entity engaged in the business of providing telecommunication,

1 cable and/or broadband services to connect to, and communicate on, the  
2 internet, or any other broad multi-user computer system.

3 14. "Internet identifiers" means any electronic mail addresses and  
4 designations used for the purposes of chat, instant messaging, social  
5 networking or other similar internet communication.

6 15. "Cellular service provider" means any business, organization or  
7 other entity engaged in the business of providing cellular telephone or  
8 device service through which a customer may make cellular telephone  
9 calls or obtain access to the internet, but does not include a business,  
10 organization or other entity to the extent that it provides only land  
11 line or cable telecommunications services.

12 16. "Registry" means the New York state terrorist registry established  
13 and maintained by the division of criminal justice services pursuant to  
14 this article.

15 17. "Registrant" means a terrorist, that upon examination, pursuant to  
16 section one hundred sixty-nine-f of this article, the division has  
17 determined shall be required to register with, and be added to, the New  
18 York state terrorist registry.

19 18. "Confinement entity" means the department, or any other office,  
20 agency, government, corporation or other institution which maintains the  
21 correctional facility, hospital, local correctional facility, or any  
22 other similar type of secure facility, at which a terrorist, as defined  
23 in subdivision one of this section, is confined.

24 § 169-c. Duties of the division. 1. Terrorist registry. The division  
25 shall establish and maintain an information file on all terrorists  
26 required to register pursuant to the provisions of this article, which  
27 shall include all the information set forth in section one hundred  
28 sixty-nine-d of this article, and which shall be known as the New York  
29 state terrorist registry.

30 2. Registrant notification. The division shall notify every terrorist  
31 required to be registered under this article, pursuant to the provisions  
32 of section one hundred sixty-nine-e of this article, but in no event  
33 shall the failure of a terrorist to receive such notice, or the divi-  
34 sion's failure to provide such notice, relieve such terrorist from any  
35 obligation required by this article.

36 3. Initial assembly of the registry. The division, pursuant to section  
37 one hundred sixty-nine-f of this article, shall conduct examinations to  
38 determine what terrorists shall be initially added to the registry, and  
39 upon such examinations and determinations, in accordance with section  
40 one hundred sixty-nine-g of this article, shall add such terrorists to  
41 the New York state terrorist registry.

42 4. Examinations of potential registrants. The division, in accordance  
43 with section one hundred sixty-nine-f of this article, shall make regu-  
44 lar examinations to determine what terrorists shall be added to the  
45 registry.

46 5. Standardized registration information form, personalized registra-  
47 tion information form and standardized registration form. The division  
48 shall develop a standardized registration information form, a personal-  
49 ized registration information form and a standardized registration form,  
50 pursuant to section one hundred sixty-nine-e of this article.

51 6. Standardized verification information form, personalized verifica-  
52 tion form and standardized verification form. The division shall develop  
53 a standardized verification information form, a personalized verifica-  
54 tion form and a standardized verification form, pursuant to section one  
55 hundred sixty-nine-e of this article.

1     7. Registration and verification of terrorists. The division, pursuant  
2 to section one hundred sixty-nine-h of this article, shall provide for  
3 the registration and verification of terrorists added to the New York  
4 state terrorist registry.

5     8. Notification of change of address. The division, pursuant to  
6 section one hundred sixty-nine-m of this article, shall provide for the  
7 notification of law enforcement agencies having jurisdiction, when a  
8 registrant notifies the division of a change of address.

9     9. Registry information sharing. The division, pursuant to section one  
10 hundred sixty-nine-n of this article, is authorized to share the New  
11 York state terrorist registry, and all the information contained there-  
12 in, to advance the purposes of this article.

13     10. Secure information. The division, pursuant to section one hundred  
14 sixty-nine-n of this article, in consultation with the division of home-  
15 land security and emergency services and the division of state police,  
16 shall review the information contained on the registry, and shall deter-  
17 mine whether the disclosure of any particular information contained on  
18 the registry may cause a security risk to the people or property of the  
19 state of New York, and upon such determination that such particular  
20 information needs to be deemed secure, the division shall remove such  
21 secure information from public accessibility.

22     11. DNA custody and analysis. The division, pursuant to section one  
23 hundred sixty-nine-o of this article, shall provide for the secure,  
24 custodial transfer of the DNA sample collected from the registrant, for  
25 the preservation, storage and analysis of such DNA sample, and shall  
26 further provide for the subsequent secure custodial transfer of the DNA  
27 sample, and/or the analysis produced therefrom, to the state DNA iden-  
28 tification index, maintained pursuant to section nine hundred ninety-  
29 five-c of the executive law.

30     12. Fingerprint custody and analysis. The division, pursuant to  
31 section one hundred sixty-nine-o of this article, shall provide for the  
32 secure, custodial transfer of the fingerprints collected from the regis-  
33 trant, to the laboratory maintained by the division of state police, or  
34 another approved fingerprint analysis entity as contracted with by the  
35 division, for the preservation, storage and analysis of such finger-  
36 prints.

37     13. Registry and verification fees. The division, pursuant to section  
38 one hundred sixty-nine-p of this article, shall be authorized to charge  
39 registration and verification fees to be paid to the division by the  
40 registrant, at the time and manner prescribed by the division, with the  
41 state comptroller being authorized to deposit such fees into the general  
42 fund.

43     14. Special telephone number. The division shall establish and operate  
44 a special telephone number pursuant to section one hundred sixty-nine-q  
45 of this article.

46     15. Internet directory. The division shall establish an internet  
47 directory pursuant to section one hundred sixty-nine-r of this article.

48     § 169-d. Registration information. The division, pursuant to subdivi-  
49 sion one of section one hundred sixty-nine-c of this article, shall  
50 establish and maintain an information file on all terrorists required to  
51 register pursuant to the provisions of section one hundred sixty-nine-h  
52 of this article, which shall be known as the New York state terrorist  
53 registry, and which shall include the following information on each such  
54 registrant:

55     1. Personal information, including:

56     (a) The terrorist's name;

1     (b) All aliases currently or ever used by the terrorist;  
2     (c) The date of birth of the terrorist;  
3     (d) The sex of the terrorist;  
4     (e) The race of the terrorist;  
5     (f) The height, weight, eye color, distinctive markings, and build of  
6 the terrorist;  
7     (g) The nation of origin and country or countries of citizenship of  
8 the terrorist;  
9     (h) The driver's license number or non-driver's identification card  
10 number of the terrorist;  
11     (i) The passport number of the most recent passport of the terrorist;  
12     (j) The home address and/or expected place of domicile and/or actual  
13 place of domicile of the terrorist;  
14     (k) The social security number, or taxpayer identification number, of  
15 the terrorist;  
16     (l) Any and all internet accounts with internet service/access provid-  
17 ers belonging to such terrorist;  
18     (m) Any and all internet identifiers that such terrorist uses, or has  
19 used; and  
20     (n) Any and all cellular accounts and cellular telephone numbers with  
21 cellular service providers belonging to the terrorist, or any and all  
22 cellular accounts and cellular telephone numbers with cellular service  
23 of which the terrorist has authorized use;  
24     2. Forensic information, including:  
25     (a) A photograph of the terrorist, taken in accordance with the  
26 provisions of this article, which shall be updated annually;  
27     (b) A complete set of fingerprints of the terrorist, collected in  
28 accordance with the provisions of this article;  
29     (c) A DNA sample, collected in accordance with the provisions of this  
30 article, with such sample being compliant with testing for the combined  
31 DNA index system (CODIS), and with such sample capable of providing a  
32 report and analysis of autosomal DNA (atDNA), mitochondrial DNA (mtDNA)  
33 and Y-chromosome DNA (Y-DNA), together with any other screening or DNA  
34 testing as may be required by the division; and  
35     (d) A DNA analysis of the DNA sample collected from the terrorist,  
36 performed by a laboratory approved by the division, with such analysis  
37 being compliant with the combined DNA index system (CODIS), and with  
38 such analysis capable of providing a report and analysis of autosomal  
39 DNA (atDNA), mitochondrial DNA (mtDNA) and Y-chromosome DNA (Y-DNA),  
40 together with any other screening or DNA testing as may be required by  
41 the division;  
42     3. Terrorist incident information, including, for each and every  
43 terrorist incident involving the terrorist:  
44     (a) A complete description of the incident and its surrounding events  
45 for which the terrorist was convicted, detained, deported, transported,  
46 or designated;  
47     (b) The date of the incident and its surrounding events for which the  
48 terrorist was convicted, detained, deported, transported, or designated;  
49     (c) A complete description of each and every consequence of the inci-  
50 dent and its surrounding events for which the terrorist was convicted,  
51 detained, deported, transported, or designated, including each and every  
52 sentence, fine, punishment and/or sanction imposed as a result of the  
53 incident; and  
54     (d) The date of each and every conviction, detainment, deportation,  
55 transportation, and/or designation that occurred as a result of the

1 incident, and each and every sentence, fine, punishment and/or sanction  
2 imposed as a result of the incident;

3 4. Employment information of the terrorist, including:

4 (a) In the case of a terrorist who is employed, or who expects to be  
5 employed:

6 (i) the name and address of the terrorist's current or expected  
7 employer;

8 (ii) a complete description of the terrorist's employment duties, work  
9 locations, job titles and tools and materials utilized during the course  
10 of employment; and

11 (iii) a complete list of the terrorist's supervisors; and

12 (b) In the case of a terrorist who is a student, or who expects to be  
13 a student:

14 (i) the name and address of the terrorist's educational institution or  
15 expected educational institution;

16 (ii) a complete description of the terrorist's classes taken, or  
17 expected to be taken, classroom locations, and educational credits; and

18 (iii) a complete list of the terrorist's professors.

19 5. Supplemental and verification information of the terrorist, includ-  
20 ing:

21 (a) An annual update of the terrorist's photograph; and

22 (b) Any other additional and further information deemed pertinent by  
23 the division.

24 § 169-e. Registrant notification; standardized registration and  
25 verification forms. 1. Registration packet. The division shall create a  
26 non-forwardable registration packet, which shall consist of a standard-  
27 ized registration information form, a personalized registration informa-  
28 tion form, and a standardized registration form.

29 2. Standardized registration information form. The division shall  
30 create a standardized registration information form, in clear and  
31 concise language, with the purpose of providing information to every  
32 terrorist, required to register with the New York state terrorist regis-  
33 try, on the following:

34 (a) Duty and obligation to register. The standardized registration  
35 information form shall provide information concerning the registrant's  
36 duty and obligation to register with the division;

37 (b) Further duties and obligations of registrants. The standardized  
38 registration information form shall also provide information advising  
39 the registrant of his or her duties and obligations under this article;  
40 and

41 (c) Manner of registration. The standardized registration information  
42 form shall additionally provide information concerning the manner and  
43 procedures that a registrant shall be required to follow, in order to  
44 properly register in accordance with the provisions of this article,  
45 including:

46 (i) detailed directions and information as to how to complete the  
47 standardized registration form;

48 (ii) detailed directions and information as to how the registrant must  
49 appear before the law enforcement agency having jurisdiction, as well as  
50 information concerning the registrant's requirement to provide his or  
51 her photograph, fingerprints and a DNA sample to such law enforcement  
52 agency; and

53 (iii) detailed directions and information concerning the registrant's  
54 responsibility to pay a one hundred dollar registration fee to the divi-  
55 sion, pursuant to section one hundred sixty-nine-p of this article, and  
56 the available means and manner in which such fee shall be paid.

1     3. Personalized registration information form. The division shall  
2     create a personalized registration information form, in clear and  
3     concise language, with the purpose of providing information to every  
4     terrorist required to register with the New York state terrorist regis-  
5     try with detailed directions and information as to where the registrant  
6     must appear before the law enforcement agency having jurisdiction, which  
7     shall specify the address, telephone number and designated contact  
8     person of such law enforcement agency.

9     4. Standardized registration form. The division shall create a stand-  
10    ardized registration form, in clear and concise language, with the  
11    purpose of collecting the registration information identified in section  
12    one hundred sixty-nine-d of this article, from every terrorist required  
13    to register with the New York state terrorist registry.

14    5. Verification packet. The division shall create a non-forwardable  
15    verification packet, which shall consist of a standardized verification  
16    information form, a personalized verification information form, and a  
17    standardized verification form.

18    6. Standardized verification information form. The division shall  
19    create a standardized verification information form, in clear and  
20    concise language, with the purpose of providing information to every  
21    terrorist, required to register with the New York state terrorist regis-  
22    try, on the following:

23    (a) Duty and obligation to provide verification. The standardized  
24    verification information form shall provide information concerning the  
25    registrant's duty and obligation to provide quarterly verification with  
26    the division;

27    (b) Further duties and obligations of registrants. The standardized  
28    verification information form shall also provide information advising  
29    the registrant of his or her duties and obligations under this article;  
30    and

31    (c) Manner of registration. The standardized verification information  
32    form shall additionally provide information concerning the manner and  
33    procedures that a registrant shall be required to follow, in order to  
34    properly provide verification in accordance with the provisions of this  
35    article, including:

36    (i) detailed directions and information as to how to complete the  
37    standardized verification form;

38    (ii) detailed directions and information as to how to appear before  
39    the law enforcement agency having jurisdiction, concerning the regis-  
40    trant's requirement to annually update his or her photograph with such  
41    law enforcement agency; and

42    (iii) detailed directions and information concerning the terrorist's  
43    responsibility to pay a ten dollar change of address fee to the divi-  
44    sion, as well as a ten dollar annual updated photograph fee, pursuant to  
45    section one hundred sixty-nine-p of this article, and the available  
46    means and manner in which such fee or fees shall be paid.

47    7. Personalized verification information form. The division shall  
48    create a personalized verification information form, in clear and  
49    concise language, with the purpose of providing information to every  
50    terrorist required to register with the New York state terrorist regis-  
51    try with detailed directions and information as to where the registrant  
52    must appear before the law enforcement agency having jurisdiction, which  
53    shall specify the address, telephone number and designated contact  
54    person of such law enforcement agency. Such personal verification infor-  
55    mation information form shall further indicate the date by which the

1 registrant must appear before the law enforcement agency having juris-  
2 isdiction to provide such updated photograph.

3 8. Standardized verification form. The division shall create a stand-  
4 ardized verification form, in clear and concise language, with the  
5 purpose of collecting the quarterly supplemental and verification infor-  
6 mation identified in section one hundred sixty-nine-d of this article,  
7 from every terrorist required to register with the New York state  
8 terrorist registry.

9 9. Availability of information and forms. In addition to the other  
10 provisions of this section, the division shall further make information  
11 and forms available as follows:

12 (a) The division shall make paper copies of the standardized registra-  
13 tion information form, the standardized registration form, the standard-  
14 ized verification information form and the standardized verification  
15 form available to registrants, attorneys representing registrants, the  
16 unified court system, the department, federal, state and local law  
17 enforcement, and such other and further individuals and entities as the  
18 division deems appropriate;

19 (b) The division shall further post electronic copies of the standard-  
20 ized registration information form, the standardized registration form,  
21 the standardized verification information form and the standardized  
22 verification form, produced in accordance with this section, on the  
23 official website of the division, and such electronic forms shall all be  
24 in a downloadable format, to allow for the submission of a completed  
25 copy of such form or forms to the division, regardless of whether any  
26 such form or forms have been provided to, or received by, the regis-  
27 trant, or regardless of whether such registrant has in fact received  
28 notice of his or her duty and obligation to register as required by this  
29 article; and

30 (c) The division shall also maintain a toll free telephone number,  
31 which shall be displayed on the official website of the division, to  
32 provide, upon request of any person required to register with the New  
33 York state terrorist registry, or their representative, all information  
34 that is necessary for a registrant to complete their registration with  
35 the New York state terrorist registry, or for a registrant to complete  
36 their verification, including information that would be provided in a  
37 personalized registration information form or a personalized verifica-  
38 tion information form.

39 10. Advertisement. The division shall advertise on its official  
40 website that all terrorists added to the New York state terrorist regis-  
41 try shall be required to register and provide verification under penalty  
42 of law, and that the information and forms necessary to complete such  
43 registration and provide such verification are available for download on  
44 the division's website and that further information can be obtained from  
45 the toll free telephone number established in accordance with paragraph  
46 (c) of subdivision nine of this section.

47 11. Purpose of the registration packet. The purpose of the non-for-  
48 wardable registration packet created in accordance with subdivision one  
49 of this section, shall be to inform every terrorist added to the New  
50 York state terrorist registry of such terrorist's duty and obligation to  
51 register as required by this article, and to collect the necessary  
52 information from such terrorist as required by this article.

53 12. Mailing of registration packet. The non-forwardable registration  
54 packet, as defined in subdivision one of this section, shall be mailed  
55 by the division, by first class mail, to the last known address of such

1 terrorist, in accordance with the timelines established by subdivision  
2 fifteen of this section.

3 13. Purpose of the verification packet. The purpose of the non-for-  
4 wardable verification packet, created in accordance with subdivision  
5 five of this section, shall be to inform every registrant added to the  
6 New York state terrorist registry of such registrant's duty and obli-  
7 gation to provide verification as required by this article, and to  
8 collect the necessary verification information from such registrant as  
9 required by this article.

10 14. Mailing of verification packet. The non-forwardable verification  
11 packet, as defined in subdivision five of this section, shall be mailed  
12 by the division, by first class mail, to the last known address of such  
13 registrant, in accordance with the timelines established by subdivision  
14 fifteen of this section.

15 15. Timelines. With respect to the requirements of this article, the  
16 following timelines shall apply:

17 (a) The mailing required in accordance with the provisions of subdivi-  
18 sion twelve of this section shall be completed by the division within  
19 ten calendar days of the date on which the division adds the terrorist  
20 to whom the mailing is directed to the New York state terrorist regis-  
21 try;

22 (b) The mailing required in accordance with subdivision fourteen of  
23 this section shall be completed by the division within seventy-five  
24 calendar days of the date on which the registrant to whom the mailing is  
25 directed provides the division with all the information required in the  
26 standardized registration form, and then again, every ninety days there-  
27 after;

28 (c) The registrant, within ten calendar days of the receipt of the  
29 registration packet from the division, or within thirty calendar days of  
30 the mailing of registration packet by the division, or within five  
31 calendar days of downloading the standardized registration form from the  
32 division's website, or within five days of being personally notified by  
33 the division or its representative, whichever is earlier, shall return a  
34 fully executed, signed and completed copy of the standardized registra-  
35 tion form to the division, either by means of United States first class  
36 mail, or by means of personal delivery to the law enforcement agency  
37 having jurisdiction;

38 (d) The registrant, within ten calendar days of the receipt of the  
39 verification packet from the division, or within fifteen calendar days  
40 of the mailing of verification packet by the division, or within five  
41 calendar days of downloading the standardized verification form from the  
42 division's website, or within five calendar days of being personally  
43 notified by the division or its representative, whichever is earlier,  
44 shall return a fully executed, signed and completed copy of the stand-  
45 ardized verification form to the division, either by means of United  
46 States first class mail, or by means of personal delivery to the law  
47 enforcement agency having jurisdiction;

48 (e) The registrant, within fifteen calendar days of the receipt of the  
49 registration packet from the division, or within thirty-five calendar  
50 days of the mailing of registration packet by the division, or within  
51 ten calendar days of downloading the standardized registration form from  
52 the division's website, or within five calendar days of being personally  
53 notified by the division or its representative, whichever is earlier,  
54 shall appear before the law enforcement agency having jurisdiction, to  
55 provide fingerprints, an initial photograph and a DNA sample, unless  
56 such registrant has previously had their initial photograph previously

1 taken, and their fingerprints and DNA sample previously collected, in  
2 accordance with subdivisions three and five of section one hundred  
3 sixty-nine-j of this article, or in accordance with subdivisions three  
4 and five of section one hundred sixty-nine-k of this article; and

5 (f) The registrant shall annually appear before the law enforcement  
6 agency having jurisdiction, not later than one year after, and not prior  
7 to three hundred thirty days before, the anniversary date of the taking  
8 or his or her initial photograph in order to provide the division within  
9 an updated photograph.

10 16. Duty and obligation to register and provide verification absolute.  
11 In no event shall the failure of a terrorist to receive any notice,  
12 registration packet or verification packet, or of the division to fail  
13 to provide such notice, registration packet or verification packet, or  
14 of the failure of the division to provide such notice, registration  
15 packet or verification packet within the time required pursuant to this  
16 section, relieve any such terrorist from any duty or obligation required  
17 by this article.

18 17. Violations. In the event that a completed standardized registra-  
19 tion form or a completed standardized verification form is not returned  
20 to the division by a registrant within the timelines required pursuant  
21 to subdivision fifteen of this section, the division shall immediately  
22 notify the division of state police, the state division of homeland  
23 security and emergency services, and the United States department of  
24 homeland security, whereupon the division of state police shall imme-  
25 diately cause such terrorist to be arrested and charged with a failure  
26 to register in accordance with this article, and pursuant to section  
27 490.23 of the penal law.

28 18. Late filings. The division may by regulation identify certain  
29 circumstances when the commissioner may authorize the late submission of  
30 a standardized registration form, a standardized verification form, or  
31 the late collection of fingerprints, DNA sample, initial photograph or  
32 updated photograph, but in no event shall a late submission or late  
33 collection be authorized more than ninety days after the registrant, if  
34 of legal capacity, received actual notice, of their duty and obligation  
35 to submit or have collected such standardized registration form, stand-  
36 ardized verification form, fingerprints, DNA sample, initial photograph  
37 or updated photograph.

38 19. Regulations. The division shall promulgate rules and regulations  
39 to implement the provisions of this section.

40 § 169-f. Examination of potential registrants. 1. Generally. The  
41 division shall make regular examinations to determine whether terrorists  
42 shall be added to the registry, and upon any such examination and deter-  
43 mination that a terrorist shall be added to the registry, in accordance  
44 with the provisions of this section, the division shall add such terror-  
45 ist to the registry, and shall notify such terrorist pursuant to section  
46 one hundred sixty-nine-e of this article.

47 2. Release notification. In the case of any terrorist, it shall be the  
48 duty of the confinement entity in whose custody such terrorist is held,  
49 at least sixty calendar days prior to the release of such terrorist from  
50 such custody, to notify the division, in a form and manner provided by  
51 the division, of the contemplated release or discharge of such terror-  
52 ist. The notification provided shall include the address at which such  
53 terrorist proposes to reside. If such terrorist changes his or her place  
54 of residence while on parole, such notification of the change of resi-  
55 dence shall be sent by the terrorist's parole officer within forty-eight  
56 hours to the division, on a form and in a manner provided by the divi-

1 sion. In the event that the confinement entity is unable to notify the  
2 division of the contemplated release or discharge of such terrorist at  
3 least sixty days prior to such release, the confinement entity must  
4 provide an emergency notification to the division, in a form and manner  
5 provided by the division.

6 3. Probation notification. In the case of any terrorist on probation,  
7 it shall be the duty of the terrorist's probation officer to notify the  
8 division, within forty-eight hours, of any initial or changed place of  
9 residence of such terrorist, in the form and manner provided by the  
10 division.

11 4. Escape notification. In the event that any terrorist escapes from  
12 the custody of any confinement entity, the designated official of the  
13 confinement entity, shall immediately notify, by telephone and/or email,  
14 the division of such escape. Within twenty-four hours, the confinement  
15 entity shall further provide the division and the law enforcement agency  
16 having jurisdiction at, and immediately prior to, the time of the  
17 terrorist's confinement, with:

18 (a) The name and aliases of the terrorist;

19 (b) The address at which the terrorist resided at the time of his or  
20 her confinement;

21 (c) The amount of time remaining on the terrorist's confinement to be  
22 served, if any;

23 (d) The nature of the offense for which the terrorist was confined;

24 (e) A recent photograph of the terrorist; and

25 (f) The fingerprints of the terrorist.

26 5. Purpose. It shall be the purpose of the division's examinations  
27 under this section to determine what terrorists are or will be residing,  
28 working, or attending educational institutions, in New York state, and  
29 whether, pursuant to the provisions of this article, such terrorists  
30 should be added to the New York state terrorist registry.

31 6. Communication with other entities. (a) In conducting its examina-  
32 tions, pursuant to this section, to determine what terrorists are or  
33 will be residing, working, or attending educational institutions in New  
34 York state, the division shall communicate with the following state  
35 entities:

36 (i) The department;

37 (ii) The division of parole;

38 (iii) The office of probation and correctional alternatives;

39 (iv) The department of health;

40 (v) The department of education;

41 (vi) The office of court administration, and any court of the unified  
42 court system;

43 (vii) The division of state police;

44 (viii) The division of homeland security and emergency services;  
45 and/or

46 (ix) Any other state or local entity the division deems appropriate.

47 (b) In further conducting its examinations, pursuant to this section,  
48 to determine what terrorists are or will be residing, working, or  
49 attending educational institutions, in New York state, the division  
50 shall also communicate with the following federal, interstate or inter-  
51 national entities:

52 (i) The federal bureau of prisons;

53 (ii) The United State department of defense, and its armed services  
54 branches;

55 (iii) The United State department of state;

56 (iv) The United States department of justice;

1 (v) The United States department of homeland security;  
2 (vi) The central intelligence agency;  
3 (vii) The office of the director of national intelligence;  
4 (viii) The International Criminal Police Organization (INTERPOL); and  
5 (ix) Any other federal, interstate, or international entity the divi-  
6 sion deems appropriate.

7 7. Grounds to add a terrorist to the registry. Upon examination in  
8 accordance with this section, the division shall add a terrorist, as  
9 defined by subdivision one of section one hundred sixty-nine-b of this  
10 article, to the New York state terrorist registry, and provide such  
11 terrorist with notification that they have been so added to the registry  
12 in accordance with section one hundred sixty-nine-e of this article, if  
13 the division determines that such terrorist is:

14 (a) Not presently subject to confinement but is currently, has been,  
15 or will be within the next ninety days, living, working or attending an  
16 educational institution within New York state, or

17 (b) Is presently in the custody of a confinement entity, or is subject  
18 to community supervision or probation, and is scheduled for a condi-  
19 tional release or any other discharge in New York state, or

20 (c) Is presently in the custody of a confinement entity, or is subject  
21 to community supervision or probation, and is scheduled for a condi-  
22 tional release or any other discharge outside of New York state and such  
23 terrorist has evidenced any intention to reside, work or attend an  
24 educational institution in New York state.

25 8. Court application to add a person to the registry. Upon examination  
26 in accordance with this section, and upon a finding that the person  
27 examined may not have committed a terrorist offense as defined in subdivi-  
28 sion two of section one hundred sixty-nine-b of this article, or a  
29 verifiable act of terrorism, as defined in subdivision three of section  
30 one hundred sixty-nine-b of this article, but in the joint determination  
31 of the division and the division of homeland security and emergency  
32 services, that such person nonetheless still presents a serious and  
33 immediate risk of performing, promoting, supporting and/or facilitating  
34 a terrorist act against the people and/or property of the state of New  
35 York, then the division may make an application to a supreme court, in  
36 accordance with section one hundred sixty-nine-i of this article, to add  
37 such person to the New York state terrorist registry, and if such court  
38 issues the certification, then the division shall add such person to the  
39 registry, and provide such person with notification in accordance with  
40 section one hundred sixty-nine-e of this article.

41 9. Addition to the registry by court order. Where a court of the  
42 unified court system in New York, issues a certification to add a person  
43 to the New York state terrorist registry, in accordance with section one  
44 hundred sixty-nine-i of this article, then the division shall add such  
45 person to the registry, and provide such person with notification in  
46 accordance with section one hundred sixty-nine-e of this article.

47 10. Removal from the registry by court order. Where the supreme court  
48 in the county where a registrant resides, or the supreme court of Albany  
49 county where a person does not reside in New York state, issues a deci-  
50 sion and/or order to remove a person from the New York state terrorist  
51 registry, in accordance with section one hundred sixty-nine-i of this  
52 article, then the division shall remove such person from the registry,  
53 and provide such person with notification of their removal from the  
54 registry, but the division may appeal such decision and/or order, and  
55 such removal shall not be performed by the division until the final

1 appeal is decided in favor of the person seeking removal from the regis-  
2 try.

3 § 169-g. Initial assembly of the registry. The division, within sixty  
4 days of the effective date of this article, shall commence examinations  
5 and make determinations, in accordance with section one hundred sixty-  
6 nine-f of this article, to determine what terrorists shall be initially  
7 added to the registry, and upon such examinations and determinations,  
8 shall add such terrorists to the registry, and shall thereafter notify  
9 such terrorists that they have been added to the registry pursuant to  
10 section one hundred sixty-nine-e of this article.

11 § 169-h. Registration and verification of terrorists. 1. Duty and  
12 obligation to register and verify. Any person added to the New York  
13 state terrorist registry by the division, in accordance with section one  
14 hundred sixty-nine-f of this article, shall be required, and have the  
15 duty and obligation to register and verify, and shall further be  
16 required and have the duty and obligation to provide the required regis-  
17 tration and quarterly verification information, in accordance with this  
18 article.

19 2. Specific duties and obligations. Any terrorist added to the New  
20 York state terrorist registry by the division shall be required, and  
21 shall have the duty and obligation to:

22 (a) Register under this article;

23 (b) Provide the division with a completed, signed, standardized regis-  
24 tration form, containing all the required registration information in  
25 accordance with section one hundred sixty-nine-d of this article, within  
26 the times, and pursuant to the means of delivery, required by this arti-  
27 cle;

28 (c) Unless such terrorist has previously had their initial photograph  
29 previously taken, in accordance with subdivisions three and five of  
30 section one hundred sixty-nine-j of this article, or in accordance with  
31 subdivisions three and five of section one hundred sixty-nine-k of this  
32 article, appear to, and be photographed by, the specified law enforce-  
33 ment agency having jurisdiction, within the times, and at the locations,  
34 required pursuant to this article;

35 (d) Unless such terrorist has previously had their fingerprints  
36 collected, in accordance with subdivisions three and five of section one  
37 hundred sixty-nine-j of this article, or in accordance with subdivisions  
38 three and five of section one hundred sixty-nine-k of this article,  
39 appear to, and be fingerprinted by, the specified law enforcement agency  
40 having jurisdiction, within the times, and at the locations, required  
41 pursuant to this article;

42 (e) Unless such terrorist has previously had their DNA sample  
43 collected, in accordance with subdivisions three and five of section one  
44 hundred sixty-nine-j of this article, or in accordance with subdivisions  
45 three and five of section one hundred sixty-nine-k of this article,  
46 appear to, and submit to a DNA sample taken by the specified law  
47 enforcement agency having jurisdiction, within the times, and at the  
48 locations, required pursuant to this article; and

49 (f) Provide the division with any other and further registration  
50 information required by this article.

51 3. Continuing duties and obligations. Any terrorist added to the New  
52 York state terrorist registry by the division shall further be required,  
53 and shall have the continuing duty to:

54 (a) Verify under this article;

55 (b) Provide the division with a completed, signed, standard verifica-  
56 tion form, containing all the required verification information in

1 accordance with section one hundred sixty-nine-d of this article, within  
2 the times, and pursuant to the means of delivery, required by this arti-  
3 cle;

4 (c) Appear to, and be annually photographed by, the specified law  
5 enforcement agency having jurisdiction, within the times, and at the  
6 locations, required pursuant to this article; and

7 (d) Provide the division with any other and further verification  
8 information required by this article.

9 4. Discontinued duties and obligations. The duty to register and/or  
10 verify under the provisions of this article shall not be applicable to  
11 any person whose conviction was reversed upon appeal or who was pardoned  
12 by the governor or the president for the offense which was the reason  
13 the division added such person to the New York state terrorist registry.

14 5. Change of address. Any terrorist added to the New York state  
15 terrorist registry shall, in addition to any other information required  
16 by this article, register his or her current residential address, and  
17 the address of his or her place of employment or educational institution  
18 attended, with the division, and shall notify the division of any change  
19 of residence, employment or educational institution address in accord-  
20 ance with the provisions of this article.

21 § 169-i. Duties of the court. 1. Certification of terrorist. (a) Upon  
22 conviction of any of the offenses set forth in article four hundred  
23 ninety of the penal law, the court shall certify that the person is a  
24 terrorist, and shall include the certification in the order of commit-  
25 ment, if any, and judgment of conviction, and shall additionally direct  
26 the division to add such person, so convicted, to the New York state  
27 terrorist registry.

28 (b) If the person certified as the registrant is present in court,  
29 then the court shall advise such person of his or her duties and obli-  
30 gations under this article, but in the event of his or her absence from  
31 court, the court shall direct the division to mail such terrorist a  
32 registration packet in accordance with the provisions of section one  
33 hundred sixty-nine-e of this article.

34 (c) Any failure of the court to include the certification in the order  
35 of commitment or the judgment of conviction shall not relieve a terror-  
36 ist of the duties and obligations imposed by this article, nor prohibit  
37 the division from adding such person to the New York state terrorist  
38 registry in accordance with the provisions of this article.

39 (d) Any person who a court certifies as a registrant, who is released  
40 on probation or discharged upon payment of a fine, conditional discharge  
41 or unconditional discharge, shall, prior to such release or discharge,  
42 be informed of his or her duty and obligation to register under this  
43 article by the court in which he or she was convicted, and at the time  
44 sentence is imposed, such terrorist shall register with the division on  
45 the standardized registration form prepared by the division in accord-  
46 ance with this article as follows:

47 (i) The court shall require the terrorist to read and complete the  
48 standardized registration form, sign the same in the presence of the  
49 court, and submit such completed document back to the court;

50 (ii) Upon completion of the standardized registration form, the court  
51 shall give one copy of such form to the terrorist, and shall direct the  
52 immediate transmission of the original completed and signed standardized  
53 registration form to the division, which shall, upon receipt of such  
54 form, add such person to the registry and forward the information  
55 collected to the law enforcement agencies having jurisdiction, in  
56 accordance with this article;

1 (iii) The court shall further notify the terrorist that within five  
2 calendar days, such terrorist shall appear before the law enforcement  
3 agency having jurisdiction, or the office of probation and correctional  
4 alternatives, to provide fingerprints, an initial photograph and a DNA  
5 sample; and

6 (iv) From the completed standardized registration form, the court  
7 shall place upon the record the fact that the terrorist shall be added  
8 to the New York state terrorist registry, and the address where the  
9 terrorist will be deemed to reside upon his or her release.

10 (e) Any person who a court certifies as a registrant, who is not pres-  
11 ent in the court at the time of the issuance of order providing for such  
12 certification, shall be added by the division to the New York state  
13 terrorist registry, and shall register with the division, and provide  
14 all required information, together with the DNA sample, fingerprints and  
15 initial photograph, in accordance with the provisions and timelines of  
16 section one hundred sixty-nine-e of this article.

17 2. Application to add a person to the registry. (a) Court Order. In  
18 accordance with subdivision eight of section one hundred sixty-nine-f of  
19 this article, the division, after examination, may petition the supreme  
20 court, on notice to the person who is the subject of the investigation  
21 by mailing a copy of the petition to the last known address of such  
22 person, for a certification that such person that is the subject of such  
23 examination in the joint determination of the division and the division  
24 of homeland security and emergency services, presents a serious and  
25 immediate risk of performing, promoting, supporting and/or facilitating  
26 a terrorist act against the people and/or property of the state of New  
27 York, and that a certification should be issued to add such person to  
28 the New York state terrorist registry. If the court issues the certif-  
29 ication requested under this subdivision, then the division shall add  
30 such person to the New York state terrorist registry, and provide such  
31 person with notification in accordance with section one hundred sixty-  
32 nine-e of this article.

33 (b) Appeals. The division may appeal any decision and/or order where  
34 the court denies a certification sought under this subdivision and fails  
35 to direct the division to add the person who is the subject of the  
36 application to the New York state terrorist registry. An appeal of such  
37 denial shall go, as of right, to the court of appeals, which shall hear  
38 such appeal within ninety days of the issuance of the decision or the  
39 entry of the order denying the certification sought by the division in  
40 accordance with this subdivision, whichever is earlier. Any person whom  
41 the court directs shall have their name added to the registry may also  
42 appeal such decision and/or order. An appeal of such decision and/or  
43 order adding such person to the registry by the person whose name would  
44 be so added shall go, as of right, to the appellate division in the  
45 department in which such person so resides, or if such person does not  
46 reside in New York state, to the appellate division of the third depart-  
47 ment, which such appellate division shall hear such appeal within ninety  
48 days of the issuance of the decision or the entry of the order issuing  
49 the certification sought in accordance with this section, whichever is  
50 earlier.

51 3. Application to remove a person from the registry. Any person added  
52 by the division to the New York state terrorist registry may seek an  
53 order of the supreme court in the county where such registrant resides,  
54 or the supreme court of the county of Albany if such registrant does not  
55 reside in the state of New York, to have their name and information  
56 removed from the registry as follows:

1 (a) Grounds for order of removal. That in order to issue an order to  
2 remove the registrant and their information from the New York state  
3 terrorist registry, the court must find considerable grounds that:

4 (i) the nature and circumstances of the offense or incident causing  
5 the person to be defined as a terrorist does not merit the person's name  
6 and information being added to the registry;

7 (ii) the history and character of such person does not merit the  
8 person's name and information being added to the registry;

9 (iii) the division, in adding such person's name to the registry acted  
10 in an arbitrary and capricious manner, failed to comply with the  
11 provisions of this article and/or the past actions and current behavior  
12 of the registrant does not merit his or her registration for any reason;  
13 and

14 (iv) the court is of the opinion that such registration would be undu-  
15 ly harsh and inappropriate.

16 (b) Removal of person from the registry. That where the supreme court  
17 finds the considerable grounds required in paragraph (a) of this subdi-  
18 vision, and issues an order to remove a person from the New York state  
19 terrorist registry, the division shall, in accordance with this para-  
20 graph and paragraph (c) of this subdivision, remove such person from the  
21 registry, and provide such person with notification of their removal  
22 from the registry.

23 (c) Appeals. The division may appeal any decision and/or order where  
24 the court directs the division to remove a person from the New York  
25 state terrorist registry. An appeal of such decision and/or order shall  
26 go, as of right, to the court of appeals which shall hear such appeal  
27 within ninety days of the issuance of the decision or the entry of the  
28 order directing the division to remove such person from the registry,  
29 whichever is earlier. Where the division appeals an order to remove a  
30 person from the New York state terrorist registry, such removal shall  
31 not be performed by the division until the final appeal is decided in  
32 favor of the person seeking such removal. Any person to whom the court  
33 denies a petition to have their name removed from the New York state  
34 terrorist registry may also appeal such decision and/or order. An appeal  
35 of such decision and/or order denying the petition to remove such person  
36 from the registry by the person seeking to have their name removed shall  
37 go, as of right, to the appellate division in the department in which  
38 such person so resides, or if such person does not reside in New York  
39 state, to the appellate division of the third department, which such  
40 appellate division shall hear such appeal within ninety days of the  
41 issuance of the decision or entry of the order denying the petition  
42 sought in accordance with this section, whichever is earlier.

43 § 169-j. Responsibilities of a confinement entity prior to discharge  
44 of a terrorist. 1. Notification of the division. For every terrorist,  
45 as defined in subdivision one of section one hundred sixty-nine-b of  
46 this article, within its custody, the confinement entity, as defined in  
47 subdivision eighteen of section one hundred sixty-nine-b of this arti-  
48 cle, shall notify the division, in a form and manner provided for by the  
49 division, of certain information on such terrorist, including, but not  
50 limited to, the terrorist's name, the address of the terrorist prior to  
51 confinement, the expected length of confinement of the terrorist, and  
52 the date of expected release of the terrorist from the facility main-  
53 tained by the confinement entity. The notification required by this  
54 subdivision shall take place within thirty days of the effective date of  
55 this article, or if the confinement entity takes custody of such terror-  
56 ist after the effective date of this article, then such notice shall

1 take place within thirty days of the commencement of the date of such  
2 custody of such terrorist.

3 2. Notification of duty and obligation to register. For every terror-  
4 ist, as defined in subdivision one of section one hundred sixty-nine-b  
5 of this article, within its custody, the confinement entity, as defined  
6 in subdivision eighteen of section one hundred sixty-nine-b of this  
7 article, shall inform such terrorist of their duty and obligation to  
8 register under this article. Such notification shall be in a form and  
9 manner provided by the division. The failure of the division, or of the  
10 confinement entity, to provide, or the failure of the terrorist to  
11 receive, such notice, shall not relieve the terrorist of any duty and/or  
12 obligation under this article. The notification required by this subdi-  
13 vision shall take place not less than sixty calendar days prior to the  
14 release, discharge, parole, release to post-release supervision or any  
15 other release, of the terrorist, from the custody of the confinement  
16 entity, but in the event the confinement entity is unable to notify the  
17 terrorist at least sixty days prior to such release, discharge, parole,  
18 release to post-release supervision or any other release, as required by  
19 this subdivision, the confinement entity shall provide an emergency  
20 notification to the terrorist, in a form and manner by the division.

21 3. Registration at the facility. Immediately after providing the  
22 terrorist with the notification required pursuant to subdivision two of  
23 this section, the confinement entity shall present every terrorist in  
24 their custody who has not previously registered with the New York state  
25 terrorist registry with a registration packet as defined in subdivision  
26 one of section one hundred sixty-nine-e of this article, as provided by  
27 the division, and shall further arrange to have such packet read and  
28 explained to the terrorist, and after such reading and explanation,  
29 shall additionally require the terrorist to:

30 (a) Complete and sign the standardized registration form contained  
31 within such registration packet;

32 (b) Present himself or herself for the taking of an initial registra-  
33 tion photograph;

34 (c) Present himself or herself for the taking of a complete set of  
35 fingerprints; and

36 (d) Present himself or herself for the taking of a DNA sample.

37 4. Failure of a terrorist to register. No confinement entity shall  
38 release, discharge, parole, release to post-release supervision, or  
39 provide any other release for any terrorist required to register under  
40 this article, who has not previously registered with the New York state  
41 terrorist registry, without first obtaining a completed and signed  
42 standardized registration form, an initial photograph, a complete set of  
43 fingerprints, and a DNA sample from such terrorist pursuant to subdivi-  
44 sion three of this section.

45 5. Satisfaction of duty to initially appear before law enforcement  
46 agency having jurisdiction. The collection by the confinement entity of  
47 the initial photograph, the complete set of fingerprints, and the DNA  
48 sample from the terrorist in accordance with subdivision three of this  
49 section, shall relieve the terrorist from their duty to initially appear  
50 before the law enforcement agency having jurisdiction for the collection  
51 of the initial photograph, the complete set of fingerprints, and the DNA  
52 sample, but shall not relieve such terrorist from their duty to pay,  
53 within fifteen days of release from the confinement entity, the one  
54 hundred dollar fee required pursuant to section one hundred sixty-nine-p  
55 of this article, or the duty to appear before such law enforcement agen-  
56 cy having jurisdiction for the purpose of providing a change of address

1 form, or the duty to appear or re-appear before such law enforcement  
2 agency having jurisdiction for the purpose of providing an annual update  
3 to the terrorist's initial photograph.

4 6. Recording of address. Upon the completion of the standardized  
5 registration form by the terrorist, the confinement entity shall imme-  
6 diately record from such standardized registration form, the address  
7 where the terrorist expects to reside upon his or her discharge, parole,  
8 release to post-release supervision or any other release, and shall keep  
9 and maintain a record of such address.

10 7. Transmission of the standardized registration form. Upon the  
11 completion of the standardized registration form by the terrorist in  
12 accordance with subdivision three of this section, the confinement enti-  
13 ty shall immediately give one copy of the completed and signed standard-  
14 ized registration form to the terrorist, maintain one copy of such  
15 completed and signed form for the confinement entity's own records, and  
16 shall further immediately transmit to the division, by the means and  
17 manner provided by the division, the original completed and signed  
18 standardized registration form.

19 8. Transmission of the registration materials. Upon the collection of  
20 the initial photograph, the complete set of fingerprints, and the DNA  
21 sample from the terrorist in accordance with subdivision three of this  
22 section, the confinement entity shall immediately transmit to the divi-  
23 sion the initial photograph, the complete set of fingerprints, and the  
24 DNA sample, by the means and manner provided by the division.

25 9. Conviction data and personal information. At any time after the  
26 effective date of this article, the division may request, and the  
27 confinement entity shall then immediately provide and transmit to the  
28 division, any and all the conviction data and personal information of  
29 any terrorist, as defined in subdivision one of section one hundred  
30 sixty-nine-b of this article, within the custody of the confinement  
31 entity.

32 10. Sharing of conviction data and personal information. Upon receipt  
33 of the conviction data and personal information of the terrorist in  
34 accordance with subdivision nine of this section, the division shall  
35 immediately transmit such conviction data and personal information to  
36 the division of homeland security and emergency services, the federal  
37 bureau of investigation, and the United States department of homeland  
38 security.

39 § 169-k. Responsibilities during community supervision or probation.

40 1. Notification of the division. For every terrorist, as defined in  
41 subdivision one of section one hundred sixty-nine-b of this article, on  
42 community supervision or probation, the department or office of  
43 probation and correctional alternatives shall notify the division, in a  
44 form and manner provided for by the division, of certain information on  
45 such terrorist, including, but not limited to, the terrorist's name, the  
46 address of the terrorist prior to the community supervision or  
47 probation, the current address of the terrorist, the expected length of  
48 community supervision or probation of the terrorist, and the date of  
49 expected release of the terrorist from the community supervision or  
50 probation. The notification required by this subdivision shall take  
51 place within thirty days of the effective date of this article, or if  
52 the terrorist commences community supervision or probation after the  
53 effective date of this article, then such notice shall take place within  
54 thirty days of the commencement of the date of such community super-  
55 vision or probation.

1     2. Notification of duty and obligation to register. For every terror-  
2 ist, as defined in subdivision one of section one hundred sixty-nine-b  
3 of this article, on community supervision or probation, the department  
4 or office of probation and correctional alternatives shall inform such  
5 terrorist of their duty and obligation to register under this article.  
6 Such notification shall be in a form and manner provided by the divi-  
7 sion. The failure of the division, or of the department or office of  
8 probation and correctional alternatives, to provide, or the failure of  
9 the terrorist to receive, such notice, shall not relieve the terrorist  
10 of any duty and/or obligation under this article. The notification  
11 required by this subdivision shall take place not less than thirty  
12 calendar days after the effective date of this article, but in the event  
13 the department or office of probation and correctional alternatives is  
14 unable to notify the terrorist as required by this subdivision, the  
15 department or office of probation and correctional alternatives shall  
16 provide an emergency notification to the terrorist, in a form and manner  
17 provided by the division.

18     3. Registration by the department or office of probation and correc-  
19 tional alternatives. Immediately after providing the terrorist with the  
20 notification required pursuant to subdivision two of this section, the  
21 department or office of probation and correctional alternatives shall  
22 present every terrorist, as defined in subdivision one of section one  
23 hundred sixty-nine-b of this article, on community supervision or  
24 probation, who has not previously registered with the New York state  
25 terrorist registry, with a registration packet, as defined in subdivi-  
26 sion one of section one hundred sixty-nine-e of this article, as  
27 provided by the division, and shall further arrange to have such packet  
28 read and explained to the terrorist, and after such reading and explana-  
29 tion, shall additionally require the terrorist to:

30     (a) Complete and sign the standardized registration form contained  
31 within such registration packet;

32     (b) Present himself or herself for the taking of an initial registra-  
33 tion photograph;

34     (c) Present himself or herself for the taking of a complete set of  
35 fingerprints; and

36     (d) Present himself or herself for the taking of a DNA sample.

37     4. Failure of a terrorist to register. Neither the department nor the  
38 office of probation and correctional alternatives shall release or  
39 discharge from probation or community supervision any terrorist required  
40 to register under this article who has not previously registered with  
41 the New York state terrorist registry, without first obtaining a  
42 completed and signed standardized registration form, an initial photo-  
43 graph, a complete set of fingerprints, and a DNA sample, from such  
44 terrorist pursuant to subdivision three of this section.

45     5. Satisfaction of duty to initially appear before law enforcement  
46 agency having jurisdiction. The collection by the department or the  
47 office of probation and correctional alternatives, of the initial photo-  
48 graph, the complete set of fingerprints, and the DNA sample, from the  
49 terrorist, in accordance with subdivision three of this section, shall  
50 relieve the terrorist from their duty to initially appear before the law  
51 enforcement agency having jurisdiction, for the collection of the  
52 initial photograph, the complete set of fingerprints, and the DNA  
53 sample, but shall not relieve such terrorist from their duty to pay,  
54 within fifteen days of release from probation or community supervision,  
55 the one hundred dollar fee required pursuant to section one hundred  
56 sixty-nine-p of this article, or the duty to appear before such law

1 enforcement agency having jurisdiction for the purpose of providing a  
2 change of address form, or the duty to appear or re-appear before such  
3 law enforcement agency having jurisdiction for the purpose of providing  
4 an annual update to the terrorist's initial photograph.

5 6. Recording of address. Upon the completion of the standardized  
6 registration form by the terrorist, the department or the office of  
7 probation and correctional alternatives shall immediately record from  
8 such standardized registration form, the address where the terrorist  
9 expects to reside upon his or her release or discharge from community  
10 supervision or probation, and shall keep and maintain a record of such  
11 address.

12 7. Transmission of the standardized registration form. Upon the  
13 completion of the standardized registration form by the terrorist, in  
14 accordance with subdivision three of this section, the department or the  
15 office of probation and correctional alternatives shall immediately give  
16 one copy of the completed and signed standardized registration form to  
17 the terrorist, maintain one copy of such completed and signed form for  
18 the confinement entity's own records, and shall further immediately  
19 transmit to the division, by the means and manner provided by the divi-  
20 sion, the original completed and signed standardized registration form.

21 8. Transmission of the registration materials. Upon the collection of  
22 the initial photograph, the complete set of fingerprints, and the DNA  
23 sample, from the terrorist, in accordance with subdivision three of this  
24 section, the department or the office of probation and correctional  
25 alternatives shall immediately transmit to the division, the initial  
26 photograph, the complete set of fingerprints, and the DNA sample, by the  
27 means and manner provided by the division.

28 9. Conviction data and personal information. At any time after the  
29 effective date of this article, the division may request, and the  
30 department or the office of probation and correctional alternatives  
31 shall then immediately provide and transmit to the division, any and all  
32 the conviction data and personal information of any terrorist, as  
33 defined in subdivision one of section one hundred sixty-nine-b of this  
34 article, on community supervision or probation.

35 10. Sharing of conviction data and personal information. Upon receipt  
36 of the conviction data and personal information of the terrorist, in  
37 accordance with subdivision nine of this section, the division shall  
38 immediately transmit such conviction data and personal information to  
39 the division of homeland security and emergency services, the federal  
40 bureau of investigation, and the United State department of homeland  
41 security.

42 § 169-l. Duration of registration and verification. The duration of  
43 registration of a terrorist added to the New York state terrorist regis-  
44 try shall be for life, and the duty and obligation to provide verifica-  
45 tion by such terrorist shall be quarterly for life.

46 § 169-m. Notification of change of address. 1. Duty and obligation to  
47 notify division of change of address. In accordance with subdivision  
48 five of section one hundred sixty-nine-h of this article, any terrorist  
49 added to the New York state terrorist registry who is a resident of New  
50 York state shall, in addition to any other information required by this  
51 article, register his or her current residential address and the address  
52 of his or her place of employment or educational institution attended  
53 with the division, and shall notify the division of any change of resi-  
54 dence, employment or educational institution address in accordance with  
55 the provisions of this article.

1     2. Notification of local law enforcement. Upon receipt of a change of  
2 address by a terrorist required to register under this article, in  
3 accordance with subdivision one of this section, the division shall  
4 immediately notify the local law enforcement agency having jurisdiction  
5 of the new place of residence, place of employment or place of educa-  
6 tional institution attended, and the local law enforcement agency having  
7 jurisdiction where the terrorist last resided, worked or attended educa-  
8 tional instruction, of such change of address.

9     3. Requirements of local law enforcement. Upon receipt of the change  
10 of address information from the division, sent to the law enforcement  
11 agency having jurisdiction, in accordance with subdivision two of this  
12 section, the local law enforcement agency having jurisdiction shall  
13 adhere to all the provisions and requirements set forth in this article.

14     4. Notification of other jurisdictions. The division shall, if the  
15 terrorist changes his or her residence to another state or nation, noti-  
16 fy the appropriate agency within that state or nation of the new place  
17 of residence.

18     § 169-n. Registry information sharing. 1. Sharing of information with  
19 New York and federal entities. The division, pursuant to this section,  
20 is authorized to share the New York state terrorist registry, and all of  
21 its information contained therein, with the division of homeland securi-  
22 ty and emergency services, the division of state police, the department,  
23 any court of the unified court system, the New York city police depart-  
24 ment, the United States department of homeland security, the United  
25 States department of justice, the United States department of state, the  
26 office of the director of national intelligence, the United States  
27 central intelligence agency, and any local, state, national and interna-  
28 tional law enforcement entity, and/or any other entity that the division  
29 deems appropriate to advance the purposes of this article. For the  
30 purposes of this section, the sharing of information shall include the  
31 provision of information from the New York state terrorist registry to  
32 the entities authorized under this section, as well as the receipt and  
33 incorporation of information into New York state terrorist registry from  
34 the entities authorized under this section.

35     2. Sharing of information with other registry entities. The division,  
36 pursuant to this section, is further authorized to share the New York  
37 state terrorist registry, and all of its information contained therein,  
38 with any other state, regional or national registry of terrorists,  
39 including but not limited to, the terrorist screening database main-  
40 tained by the federal bureau of investigation's terrorist screening  
41 center, and/or any and all other databases maintained by the division of  
42 the state police, and/or any and all other databases maintained by any  
43 local, state, national and international law enforcement entities,  
44 and/or any other entity that maintains a criminal justice or terrorist  
45 database that the division deems appropriate to advance the purposes of  
46 this article. For the purposes of this section, the sharing of informa-  
47 tion shall include the provision of information from the New York state  
48 terrorist registry to the entities authorized under this section, as  
49 well as the receipt and incorporation of information into New York state  
50 terrorist registry from the entities authorized under this section.

51     3. Review of registry for secure information. The division of homeland  
52 security and emergency services, pursuant to this section, in consulta-  
53 tion with the division of homeland security and emergency services and  
54 the division of state police, shall review the information contained on  
55 the New York state terrorist registry, and shall determine whether the  
56 disclosure of any particular information contained on the registry may

1 cause a security risk to the people or property of the state of New  
2 York. Upon the review made in accordance with this subdivision, and upon  
3 a determination that any particular information needs to be deemed  
4 secure, the division shall remove such secure information from public  
5 accessibility, including exempting such information from the require-  
6 ments of the posting on the division's website, pursuant to section one  
7 hundred sixty-nine-r of this article, or providing of such information  
8 through the special telephone number in accordance with section one  
9 hundred sixty-nine-q of this article. Any information deemed secure  
10 pursuant to this subdivision shall not be subject to the provisions of  
11 the New York state freedom of information law pursuant to article six of  
12 the public officers law.

13 4. Secure information sharable. In no event shall a determination made  
14 by the division of homeland security and emergency services, that  
15 particular information shall be deemed secure, pursuant to subdivision  
16 three of this section, prevent the division from sharing such secure  
17 information with any entity identified for the registry information  
18 sharing pursuant to this section, but the division may place sharing  
19 restrictions on such secure information, as determined by the division  
20 of homeland security and emergency services, when sharing such secure  
21 information with other authorized sharing entities, in accordance with  
22 subdivision one and two of this section, could result in the inappropri-  
23 ate disclosure of such secure information.

24 § 169-o. DNA and fingerprint custody and analysis. 1. Secure custodial  
25 collection. The division, pursuant to this section, shall provide for  
26 the secure custodial collection of the DNA sample and fingerprints taken  
27 from the terrorist by the law enforcement agency having jurisdiction,  
28 the confinement entity, or the department or office of probation and  
29 correctional alternatives, in accordance with the provisions of this  
30 article. The division shall further develop by regulation, protocols for  
31 such secure custodial collection of the DNA sample and fingerprints  
32 collected from the terrorist, and shall make available an information  
33 packet to explain the secure protocols to all law enforcement agencies  
34 having jurisdiction, all confinement entities, the department and the  
35 office of probation and correctional alternatives.

36 2. Secure custodial transfer of DNA. The division, pursuant to this  
37 section, shall provide for the secure custodial transfer of the DNA  
38 sample collected from the terrorist by the law enforcement agency having  
39 jurisdiction, the confinement entity, the department, or the office of  
40 probation and correctional alternatives, in accordance with the  
41 provisions of this article, to the laboratory maintained by the division  
42 of state police, and/or any other approved DNA analysis entity, as  
43 contracted with by the division, for the preservation, storage and anal-  
44 ysis of such DNA sample.

45 3. Secure custodial transfer of fingerprints. The division, pursuant  
46 to this section, shall provide for the secure custodial transfer of the  
47 fingerprints collected from the terrorist by the law enforcement agency  
48 having jurisdiction, the confinement entity, the department, or the  
49 office of probation and correctional alternatives, in accordance with  
50 the provisions of this article, to the laboratory maintained by the  
51 division of state police, and/or any other approved fingerprint analysis  
52 entity, as contracted with by the division, for the preservation, stor-  
53 age and analysis of such fingerprints.

54 4. State DNA identification index. The division shall further provide  
55 for the subsequent secure custodial transfer of the DNA sample, and/or

1 the analysis produced, to the state DNA identification index, maintained  
2 pursuant to section nine hundred ninety-five-c of the executive law.

3 § 169-p. Registry and verification fees. 1. Charging of fees. The  
4 division, pursuant to this section, shall:

5 (a) Charge a fee of one hundred dollars for the initial registration  
6 of the terrorist;

7 (b) Charge a fee of ten dollars each time a terrorist registers any  
8 change of address; and

9 (c) Charge a fee of ten dollars each time a terrorist appears to  
10 permit the taking of an updated annual photograph.

11 2. Payment of fees. All fees charged pursuant to this section shall be  
12 paid to the division by the terrorist at the time and manner prescribed  
13 by the division.

14 3. Waiver of fees. The division may provide, on a case by case basis,  
15 for a waiver of any fee to be charged pursuant to this section, or may  
16 further authorize, on a case by case basis, for a delayed or installment  
17 payment of a fee to be charged pursuant to this section.

18 4. Deposit authorization. The state comptroller is hereby authorized  
19 to deposit any and all fees collected pursuant to this section into the  
20 general fund.

21 § 169-q. Special telephone number. 1. Toll free number. The division  
22 shall operate a telephone number that members of the public may call  
23 free of charge to inquire whether a named individual required to regis-  
24 ter pursuant to this article is listed on the New York state terrorist  
25 registry, and to obtain publicly available registry information with  
26 respect to such terrorist.

27 2. Receipt of, and response to, calls to the special telephone number.  
28 Upon the receipt of a call to the special telephone number provided for  
29 in this section, the division shall:

30 (a) Ask the caller for a name of an individual on which the caller  
31 would like to obtain information.

32 (b) Ascertain whether such named individual reasonably appears to be a  
33 person listed on the registry, and in deciding whether such named indi-  
34 vidual reasonably appears to be a person listed on the registry, the  
35 division shall require the caller to provide information on any three of  
36 the following:

37 (i) an exact street address, including apartment number, if any, of  
38 the terrorist;

39 (ii) the driver's license number or non-driver's identification card  
40 number of the terrorist;

41 (iii) the date of birth of the terrorist;

42 (iv) the social security number or taxpayer identification number of  
43 the terrorist;

44 (v) the country of origin of the terrorist;

45 (vi) the crime of terrorism or verifiable terrorist act committed by  
46 the terrorist;

47 (vii) the hair color or eye color of the terrorist;

48 (viii) the height, weight, or build of the terrorist;

49 (ix) any distinctive markings or the ethnicity of the terrorist;  
50 and/or

51 (x) the name and street address of the terrorist's employer.

52 (c) Upon ascertaining that the named individual reasonably appears to  
53 be a person listed on the New York state terrorist registry based upon  
54 the information provided from the caller in accordance with paragraph  
55 (b) of this subdivision, provide the caller with the following informa-  
56 tion:

1     (i) the name of the terrorist;  
2     (ii) the age, physical description and any distinctive markings of the  
3     terrorist;  
4     (iii) the exact residential address of the terrorist;  
5     (iv) if the terrorist is employed, the exact address of the terror-  
6     ist's place of employment;  
7     (v) if the terrorist is a student, the exact address of the educa-  
8     tional institution the terrorist is attending; and  
9     (vi) background information on the terrorist, including for each and  
10    every terrorist incident involving the terrorist, the terrorist's crime  
11    of conviction, verifiable act of terrorism, modus of operation, and any  
12    other information the division deems relevant to provide.

13    (d) Play, before a live operator speaks with the caller, a recorded  
14    preamble which shall provide the following notices:

15    (i) that the caller's telephone number will be recorded;  
16    (ii) that there will be no charge to the caller for use of the special  
17    telephone number;

18    (iii) that the caller shall be required to provide their name and  
19    address to the operator and that such shall be maintained in a written  
20    record;

21    (iv) that the caller is required to be not less than eighteen years of  
22    age;

23    (v) that it is illegal to use information obtained through the tele-  
24    phone number to commit a crime against any person registered on the New  
25    York state terrorist registry, or to engage in illegal discrimination or  
26    harassment against such person;

27    (vi) that the caller is required to have the identifying information  
28    required to be provided in paragraph (b) of this subdivision regarding  
29    the individual about whom information is sought in order to achieve a  
30    positive identification of that person;

31    (vii) that the special telephone number is not a crime hotline and  
32    that any suspected criminal or terrorist activity should be reported to  
33    the local, state or federal authorities; and

34    (viii) that an information package, which will include a description  
35    of the law pertaining to the New York state terrorist registry, is  
36    available online on the division's official website, and in writing, by  
37    mail, upon request from the division.

38    3. Misuse of the special telephone number. Whenever there is reason-  
39    able cause to believe that any person or group of persons is engaged in  
40    a pattern or practice of misuse of the special telephone number, the  
41    attorney general, any district attorney or any person aggrieved by the  
42    misuse of the number is authorized to bring a civil action in the appro-  
43    priate court requesting preventive relief, including an application for  
44    a permanent or temporary injunction, restraining order or other order  
45    against the person or group of persons responsible for the pattern or  
46    practice of misuse, and the foregoing remedies shall be independent of  
47    any other remedies or procedures that may be available to an aggrieved  
48    party under other provisions of law, and such person or group of persons  
49    shall be subject to a fine of not less than five hundred dollars and not  
50    more than one thousand dollars.

51    4. Report of call activity. The division shall, on or before the  
52    first of September in each year, file a report with the governor, the  
53    temporary president of the senate, the speaker of the state assembly,  
54    the chair of the senate standing committee on veterans, homeland securi-  
55    ty and military affairs, and the chair of the assembly standing commit-  
56    tee on governmental operations, on the operation of the telephone

1 number, and such annual report shall include, but not be limited to, all  
2 of the following:

3 (a) The number of calls received;

4 (b) A detailed outline of the amount of money expended and the manner  
5 in which it was expended for purposes of this section;

6 (c) The number of calls that resulted in an affirmative response and  
7 the number of calls that resulted in a negative response with regard to  
8 whether a named individual was listed;

9 (d) A summary of the success of the special telephone number program  
10 based upon the above or any other selected factors the division shall  
11 deem relevant;

12 (e) A comparison between the efficacy of the special telephone number,  
13 operated pursuant to this section, and the internet directory, operated  
14 pursuant to section one hundred sixty-nine-r of this article; and

15 (f) Recommendations as to how the division might improve the special  
16 telephone number and/or the New York state terrorist registry.

17 5. Secure information. The operators of the special telephone number  
18 shall not provide any caller with any information from the New York  
19 state terrorist registry that the division has deemed secure in accord-  
20 ance with subdivision three of section one hundred sixty-nine-n of this  
21 article.

22 6. Advertisement of special telephone number. The division shall  
23 provide for the advertisement of the special telephone number estab-  
24 lished pursuant to this section, including but not limited to the post-  
25 ing of such number on its official website, and the official website of  
26 the division of homeland security and emergency services.

27 7. Regulations. The division shall promulgate rules and regulations to  
28 implement the provisions of this section.

29 § 169-r. Internet directory. 1. Operation of the internet directory.  
30 The division shall maintain and operate an internet directory of the New  
31 York state terrorist registry which shall:

32 (a) Include the following information for each terrorist:

33 (i) the name of the terrorist;

34 (ii) the age, physical description and any distinctive markings of the  
35 terrorist;

36 (iii) the most recent photograph of the terrorist taken of the terror-  
37 ist for the registry;

38 (iv) the exact residential address of the terrorist;

39 (v) if the terrorist is employed, the exact address of the terrorist's  
40 place of employment;

41 (vi) if the terrorist is a student, the exact address of the educa-  
42 tional institution the terrorist is attending; and

43 (vii) background information on the terrorist, including each and  
44 every terrorist incident involving the terrorist, the terrorist's crime  
45 of conviction, verifiable act of terrorism, modus of operation, and any  
46 other information the division deems relevant to provide;

47 (b) Have terrorist listings categorized by county and zip code; and

48 (c) Be made available at all times on the internet via the division's  
49 official homepage, with a link to connect to such directory also appear-  
50 ing on the official homepage of the division of homeland security and  
51 emergency services.

52 2. Automated e-mail notifications. Any person may apply to the divi-  
53 sion to receive automated e-mail notifications whenever a new or updated  
54 registration occurs on the New York state terrorist registry, in the  
55 geographic area specified by such person, but unless the applicant is an  
56 employee or entity of a state, local or federal government, acting in

1 their official capacity, such e-mail notifications shall be limited to  
2 three geographic areas per e-mail account.

3 3. No charge for the use of the directory. The division shall not  
4 charge for access to the internet directory nor for the receipt of  
5 e-mail notifications.

6 4. Misuse of the internet directory. Whenever there is reasonable  
7 cause to believe that any person or group of persons is engaged in a  
8 pattern or practice of misuse of the internet directory, the attorney  
9 general, any district attorney or any person aggrieved by the misuse of  
10 the directory is authorized to bring a civil action in the appropriate  
11 court requesting preventive relief, including an application for a  
12 permanent or temporary injunction, restraining order or other order  
13 against the person or group of persons responsible for the pattern or  
14 practice of misuse, and the foregoing remedies shall be independent of  
15 any other remedies or procedures that may be available to an aggrieved  
16 party under other provisions of law, and such person or group of persons  
17 shall be subject to a fine of not less than five hundred dollars and not  
18 more than one thousand dollars.

19 5. Secure information. The internet directory shall not provide any  
20 user with any information from the New York state terrorist registry  
21 that the division has deemed secure, in accordance with subdivision  
22 three of section one hundred sixty-nine-n of this article.

23 6. Advertisement of internet directory. The division shall provide for  
24 the advertisement of the internet directory established pursuant to this  
25 section, including but not limited to the listing of such website  
26 address on its recorded message for the special telephone number, and  
27 the posting of a link to such internet directory on the official website  
28 of the division of homeland security and emergency services.

29 7. Regulations. The division shall promulgate rules and regulations to  
30 implement the provisions of this section.

31 § 169-s. Immunity from liability. 1. No official, employee or agency,  
32 whether public or private, shall be subject to any civil or criminal  
33 liability for damages for any discretionary decision to release relevant  
34 and necessary information pursuant to this article, unless it is shown  
35 that such official, employee or agency acted with gross negligence or in  
36 bad faith. The immunity provided under this section applies to the  
37 release of relevant information to other state, local and/or federal  
38 employees or officials, or to the general public.

39 2. Nothing in this section shall be deemed to impose any civil or  
40 criminal liability upon or to give rise to a cause of action against any  
41 official, employee or agency, whether public or private, for failing to  
42 release information as authorized in this article unless it is shown  
43 that such official, employee or agency acted with gross negligence or in  
44 bad faith.

45 § 169-t. Annual report. The division shall, on or before the first of  
46 September in each year, file a report with the governor, the temporary  
47 president of the senate, the speaker of the state assembly, the chair of  
48 the senate standing committee on veterans, homeland security and mili-  
49 tary affairs, and the chair of the assembly standing committee on  
50 governmental operations, detailing the New York state terrorist registry  
51 program established by this article, the division's experience concern-  
52 ing compliance with provisions of this article, and the division's expe-  
53 rience concerning the effectiveness of this article, together with any  
54 recommendations the division may have to further enhance the intent of  
55 this article.

1     § 169-u. Penalty. Any terrorist required to register, or to provide  
2 information or supplemental information, or verification, pursuant to  
3 the provisions of this article, or who fails to register or to provide  
4 information, or supplemental information, or verification, in the manner  
5 and within the time periods provided for in this article, shall be guilty  
6 of a class A-I felony, pursuant to section 490.23 of the penal law.  
7 Any such failure to register or to provide information, or supplemental  
8 information, or verification, pursuant to the provisions of this arti-  
9 cle, may also be the basis for revocation of parole pursuant to section  
10 two hundred fifty-nine-i of the executive law, or the basis for revoca-  
11 tion of probation pursuant to article four hundred ten of the criminal  
12 procedure law.

13     § 169-v. Unauthorized release of information. The unauthorized release  
14 of any information contained in the New York state terrorist registry  
15 shall be a class B misdemeanor.

16     § 169-w. Expenses incurred by governmental entities. 1. Local govern-  
17 ments. Any local government, which has incurred any cost for compliance  
18 with the provisions of this article, may make an application to the  
19 state comptroller for reimbursement of such cost. Application for  
20 reimbursement for such cost incurred shall be in the form and manner as  
21 required by the state comptroller. The state comptroller shall pay such  
22 a local government, which has made an application for a cost, which has  
23 been verified by the state comptroller as having been incurred by the  
24 local government, from the terrorist registry funds management account,  
25 established pursuant to section ninety-seven-aaaa of the state finance  
26 law, following appropriation by the legislature and allocation by the  
27 director of the budget.

28     2. State agency. Any state agency, which has incurred any cost for  
29 compliance with the provisions of this article, may make an application  
30 to the state comptroller and the director of the budget, for an increase  
31 in such state agency's budget, in direct relation to such cost so  
32 incurred. Application for an increase in such state agency's budget, in  
33 direct relation to such cost incurred, shall be in the form and manner  
34 as required by the director of the budget and the state comptroller. The  
35 state comptroller shall verify whether the cost has been so incurred by  
36 the state agency. Any increase in such state agency's budget, as author-  
37 ized by this subdivision, shall be in direct relation to such cost  
38 incurred by such state agency, and shall be charged from the terrorist  
39 registry funds management account, established pursuant to section nine-  
40 ty-seven-aaaa of the state finance law, following appropriation by the  
41 legislature and allocation by the director of the budget.

42     3. Notification of the governor and the legislature. Not later than  
43 the first day of March, the state comptroller and the director of the  
44 budget shall notify the governor, the temporary president of the senate,  
45 and the speaker of the assembly, of the fiscal amounts requested in  
46 applications for reimbursement for costs incurred by local governments  
47 under this section, and the fiscal amounts of applications for increases  
48 in state agencies' budgets under this section, during the previous  
49 twelve months, with such notification identifying the local governments  
50 and the state agencies that have made such applications.

51     § 169-x. Separability. If any section of this article or part thereof  
52 shall be adjudged by a court of competent jurisdiction to be invalid,  
53 such judgment shall not affect, impair or invalidate the remainder or  
54 any other section or part thereof.

55     § 5. The penal law is amended by adding a new section 490.23 to read  
56 as follows:

1 § 490.23 Failure to register or verify with the New York state terrorist  
2 registry.

3 A person is guilty of failure to register or verify with the New York  
4 state terrorist registry when he or she is required to register or veri-  
5 fy with the division of criminal justice services pursuant to article  
6 six-D of the correction law, and fails to register as required pursuant  
7 to article six-D of the correction law, or fails to provide required  
8 information, or supplemental information, or verification as required  
9 pursuant to article six-D of the correction law.

10 Failure to register or verify with the New York state terrorist regis-  
11 try is a class A-I felony.

12 § 6. The state finance law is amended by adding a new section 97-aaaa  
13 to read as follows:

14 § 97-aaaa. Terrorist registry funds management account. 1. There is  
15 hereby established in the joint custody of the state comptroller and the  
16 commissioner of the department of taxation and finance a fund to be  
17 known as the "terrorist registry funds management account".

18 2. The terrorist registry fund management account shall consist of:

19 (a) Monies received by the state pursuant to article six-D of the  
20 correction law;

21 (b) Monies received by the state and directed to be paid to the  
22 account upon order of any court of:

23 (i) The unified court system of the state of New York;

24 (ii) The federal court system of the United States; and/or

25 (iii) The government of the United States operating under the Uniform  
26 Code of Military Justice, and

27 (c) All other monies, fees, fines, grants, bequests or other monies  
28 credited, appropriated or transferred thereto from any other fund or  
29 source.

30 3. Monies of the terrorist registry funds management account, follow-  
31 ing appropriation by the legislature and allocation by the director of  
32 the budget, shall be made available for local governments and state  
33 agencies providing services pursuant to article six-D of the correction  
34 law.

35 § 7. This act shall take effect on the first of November next succeed-  
36 ing the date on which it shall have become a law.