

STATE OF NEW YORK

3363

2017-2018 Regular Sessions

IN ASSEMBLY

January 27, 2017

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.

LBD02130-01-7

1 § 3. The executive law is amended by adding a new section 233 to read
2 as follows:

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

9 2. Upon request, the division of criminal justice services shall
10 further regularly supplement the information provided pursuant to subdi-
11 vision one of this section, so as to deliver any new, different, or
12 additional information not previously provided to the division of state
13 police.

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

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

23 ARTICLE 6-D

24 TERRORIST REGISTRY

25 Section 169-a. Legislative findings.

26 169-b. Definitions.

27 169-c. Duties of the division.

28 169-d. Registration information.

29 169-e. Registrant notification; standardized registration and
30 verification forms.

31 169-f. Examination of potential registrants.

32 169-g. Initial assembly of the registry.

33 169-h. Registration and verification of terrorists.

34 169-i. Duties of the court.

35 169-j. Responsibilities of a confinement entity prior to
36 discharge of a terrorist.

37 169-k. Responsibilities during community supervision or
38 probation.

39 169-l. Duration of registration and verification.

40 169-m. Notification of change of address.

41 169-n. Registry information sharing.

42 169-o. DNA and fingerprint custody and analysis.

43 169-p. Registry and verification fees.

44 169-q. Special telephone number.

45 169-r. Internet directory.

46 169-s. Immunity from liability.

47 169-t. Annual report.

48 169-u. Penalty.

49 169-v. Unauthorized release of information.

50 169-w. Expenses incurred by governmental entities.

51 169-x. Separability.

52 § 169-a. Legislative findings. The legislature finds and determines
53 that terrorism is a serious threat to the public safety of the people of
54 the state of New York.

55 The legislature additionally finds and determines, that it is the
56 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 subdivi-
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 (c) 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.