

STATE OF NEW YORK

65

2017-2018 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2017

Introduced by Sens. YOUNG, HELMING -- read twice and ordered printed,
and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the correction law, in relation to
establishing "Brittany's law"

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 "Brittany's
2 law".

3 § 2. The penal law is amended by adding two new sections 195.03 and
4 195.04 to read as follows:

5 § 195.03 Failure to register or verify as a domestic violence offender
6 in the second degree.

7 A person is guilty of failure to register or verify as a domestic
8 violence offender in the second degree when, being a domestic violence
9 offender required to register or verify pursuant to article six-B of the
10 correction law, he or she fails to register or verify in the manner and
11 within the time periods provided for in such article.

12 Failure to register or verify as a domestic violence offender in the
13 second degree is a class E felony.

14 § 195.04 Failure to register or verify as a domestic violence offender
15 in the first degree.

16 A person is guilty of failure to register or verify as a domestic
17 violence offender in the first degree when he or she commits the crime
18 of failure to register or verify as a domestic violence offender in the
19 second degree and has previously been convicted of failure to register
20 or verify as a domestic violence offender in the second degree as
21 defined in section 195.03 of this article.

22 Failure to register or verify as a domestic violence offender in the
23 first degree is a class D felony.

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

LBD05964-01-7

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

ARTICLE 6-B

DOMESTIC VIOLENCE REGISTRATION ACT

Section 165. Definitions.

165-a. Duties of the division; registration information.

165-b. Domestic violence offender; relocation; notification.

165-c. Duties of the court.

165-d. Discharge of domestic violence offender from correctional facility; duties of official in charge.

165-e. Duty to register and to verify.

165-f. Prior convictions; duty to inform and register.

165-g. Duration of registration and verification.

165-h. Registration and verification requirements.

165-i. Notification of local law enforcement agencies of change of address.

165-j. Registration for change of address from another state.

165-k. Special telephone number.

165-l. Immunity from liability.

165-m. Annual report.

165-n. Failure to register; penalty.

165-o. Unauthorized release of information.

§ 165. Definitions. As used in this article, the following definitions apply:

1. "Domestic violence offender" includes any person who is convicted of any of the domestic violence offenses set forth in subdivision two of this section. Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this article as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this article.

2. "Domestic violence offense" means the conviction of any felony offense defined in the penal law when the victim of such crime or offense is a family or household member.

3. "Family or household members" means the following individuals:

(a) persons related by consanguinity or affinity;

(b) persons legally married to one another;

(c) persons formerly married to one another regardless of whether they still reside in the same household;

(d) persons who have a child in common regardless of whether such persons are married or have lived together at any time; or

(e) unrelated persons who are continually or at regular intervals living in the same household or who have in the past continually or at regular intervals lived in the same household.

4. "Parent" means a natural or adoptive parent or any individual lawfully charged with a minor child's care or custody.

5. "Division" means the division of criminal justice services as defined by section eight hundred thirty-five of the executive law.

6. "Law enforcement agency having jurisdiction" means:

(a) (i) the chief law enforcement officer in the village, town or city in which the offender expects to reside upon his or her discharge, probation, parole, release to post-release supervision or upon any form of state or local conditional release; or

(ii) if there be no chief law enforcement officer in such village, town or city, the chief law enforcement officer of the county in which the offender expects to reside; or

(iii) if there be no chief enforcement officer in such village, town, city or county, the division of state police; and

(b) in the case of a domestic violence offender who is or expects to be employed by, enrolled in, attending or employed, whether for compensation or not, at an institution of higher education, (i) the chief law enforcement officer in the village, town or city in which such institution is located; or (ii) if there be no chief law enforcement officer in such village, town or city, the chief law enforcement officer of the county in which such institution is located; or (iii) if there be no chief law enforcement officer in such village, town, city or county, the division of state police; and (iv) if such institution operates or employs a campus law enforcement or security agency, the chief of such agency; and

(c) in the case of a domestic violence offender who expects to reside within a state park or on other land under the jurisdiction of the office of parks, recreation and historic preservation, the state regional park police.

§ 165-a. Duties of the division; registration information. 1. The division shall establish and maintain a file of individuals required to register pursuant to the provisions of this article which shall include the following information of each registrant:

(a) The domestic violence offender's name, all aliases used, date of birth, sex, race, height, weight, eye color, driver's license number, home address and/or expected place of domicile, any internet accounts with internet access providers belonging to such offender and internet identifiers that such offender uses.

(b) A photograph and set of fingerprints. The division shall, during the period of registration, update such photograph once every three years. The division shall notify the domestic violence offender by mail of the duty to appear and be photographed at the specified law enforcement agency having jurisdiction. Such notification shall be mailed at least thirty days and not more than sixty days before the photograph is required to be taken pursuant to this article.

(c) A description of the offense for which the domestic violence offender was convicted, the date of conviction and the sentence imposed.

(d) The name and address of any institution of higher education at which the domestic violence offender is or expects to be enrolled, attending or employed, whether for compensation or not, and whether such offender resides in or will reside in a facility owned or operated by such institution.

(e) The employment address and/or expected place of employment of the domestic violence offender.

(f) Any other information deemed pertinent by the division.

2. (a) The division is authorized to make the registry available to any regional or national registry of domestic violence offenders for the purpose of sharing information. The division shall accept files from any regional or national registry of domestic violence offenders and shall make such files available when requested pursuant to the provisions of this article.

(b) No official, agency, authorized person or entity, whether public or private, shall be subject to any civil or criminal liability for damages for any decision or action made in the ordinary course of business of that official, agency, authorized person or entity pursuant to this article, provided that such official, agency, authorized person or entity acted reasonably and in good faith with respect to such registry information.

1 (c) The division shall require that no information included in the
2 registry shall be made available except in the furtherance of the
3 provisions of this article.

4 3. The division shall develop a standardized registration form to be
5 made available to the appropriate authorities and promulgate rules and
6 regulations to implement the provisions of this section. Such form shall
7 be written in clear and concise language and shall advise the domestic
8 violence offender of his or her duties and obligations under this arti-
9 cle.

10 4. The division shall mail a nonforwardable verification form to the
11 last reported address of the domestic violence offender for annual
12 verification requirements.

13 5. The division shall also establish and operate a telephone number as
14 provided for in section one hundred sixty-five-k of this article.

15 6. The division shall also establish a public awareness campaign to
16 advise the public of the provisions of this article.

17 7. The division shall charge a fee of ten dollars each time a domestic
18 violence offender registers any change of address or any change of his
19 or her status of enrollment, attendance, employment or residence at any
20 institution of higher education as required by this article. The fee
21 shall be paid to the division by the domestic violence offender. The
22 state comptroller is hereby authorized to deposit such fees into the
23 domestic violence awareness fund established pursuant to section nine-
24 ty-seven-yyy of the state finance law as added by chapter six hundred
25 thirty-four of the laws of two thousand two.

26 8. The division shall, upon the request of any children's camp opera-
27 tor, release to such person any information in the registry relating to
28 a prospective employee of any such person or entity in accordance with
29 the provisions of this article. The division shall promulgate rules and
30 regulations relating to procedures for the release of information in the
31 registry to such persons.

32 9. The division shall, upon the request of any authorized internet
33 entity, release to such entity internet identifiers that would enable
34 such entity to prescreen or remove domestic violence offenders from its
35 services or, in conformity with state and federal law, advise law
36 enforcement and/or other governmental entities of potential violations
37 of law and/or threats to public safety. Before releasing any information
38 the division shall require an authorized internet entity that requests
39 information from the registry to submit to the division the name,
40 address and telephone number of such entity and the specific legal
41 nature and corporate status of such entity. Except for the purposes
42 specified in this subdivision, an authorized internet entity shall not
43 publish or in any way disclose or redisclose any information provided to
44 it by the division pursuant to this subdivision. The division may charge
45 an authorized internet entity a fee for access to registered internet
46 identifiers requested by such entity pursuant to this subdivision. The
47 division shall promulgate rules and regulations relating to procedures
48 for the release of information in the registry, including but not limit-
49 ed to, the disclosure and redisclosure of such information, and the
50 imposition of any fees.

51 § 165-b. Domestic violence offender; relocation; notification. 1. In
52 the case of any domestic violence offender, it shall be the duty of the
53 department, hospital or local correctional facility at least ten calen-
54 dar days prior to the release or discharge of any domestic violence
55 offender from a correctional facility, hospital or local correctional
56 facility to notify the division of the contemplated release or discharge

1 of such domestic violence offender, informing the division in writing on
2 a form provided by the division indicating the address at which he or
3 she proposes to reside and the name and address of any institution of
4 higher education at which he or she expects to be enrolled, attending or
5 employed, whether for compensation or not, and whether he or she resides
6 in or will reside in a facility owned or operated by such institution.
7 If such domestic violence offender changes his or her place of residence
8 while on parole, such notification of the change of residence shall be
9 sent by the domestic violence offender's parole officer within forty-
10 eight hours to the division on a form provided by the division. If such
11 domestic violence offender changes the status of his or her enrollment,
12 attendance, employment or residence at any institution of higher educa-
13 tion while on parole, such notification of the change of status shall be
14 sent by the domestic violence offender's parole officer within forty-
15 eight hours to the division on a form provided by the division.

16 2. In the case of any domestic violence offender on probation, it
17 shall be the duty of the domestic violence offender's probation officer
18 to notify the division within forty-eight hours of the new place of
19 residence on a form provided by the division. If such domestic violence
20 offender changes the status of his or her enrollment, attendance,
21 employment or residence at any institution of higher education while on
22 probation, such notification of the change of status shall be sent by
23 the domestic violence offender's probation officer within forty-eight
24 hours to the division on a form provided by the division.

25 3. In the case in which any domestic violence offender escapes from a
26 state or local correctional facility or hospital, the designated offi-
27 cial of the facility or hospital where the person was confined shall
28 notify within twenty-four hours the law enforcement agency having had
29 jurisdiction at the time of his or her conviction, informing such law
30 enforcement agency of the name and aliases of the person, and the
31 address at which he or she resided at the time of his or her conviction,
32 the amount of time remaining to be served, if any, on the full term for
33 which he or she was sentenced, and the nature of the crime for which he
34 or she was sentenced, transmitting at the same time a copy of such
35 domestic violence offender's fingerprints and photograph and a summary
36 of his or her criminal record.

37 4. The division shall provide general information, in registration
38 materials and annual correspondence, to registrants concerning notifica-
39 tion and registration procedures that may apply if the registrant is
40 authorized to relocate and relocates to another state or United States
41 possession, or commences employment or attendance at an education insti-
42 tution in another state or United States possession. Such information
43 shall include addresses and telephone numbers for relevant agencies from
44 which additional information may be obtained.

45 § 165-c. Duties of the court. 1. Upon conviction of any of the
46 offenses set forth in subdivision two of section one hundred sixty-five
47 of this article the court shall certify that the person is a domestic
48 violence offender and shall include the certification in the order of
49 commitment, if any, and judgment of conviction. The court shall also
50 advise the domestic violence offender of his or her duties under this
51 article. Failure to include the certification in the order of commit-
52 ment or the judgment of conviction shall not relieve a domestic violence
53 offender of the obligations imposed by this article.

54 2. Any domestic violence offender, who is released on probation or
55 discharged upon payment of a fine, conditional discharge or uncondi-
56 tional discharge shall, prior to such release or discharge, be informed

1 of his or her duty to register under this article by the court in which
2 he or she was convicted. At the time sentence is imposed, such domestic
3 violence offender shall register with the division on a form prepared by
4 the division. The court shall require the domestic violence offender to
5 read and sign such form and to complete the registration portion of such
6 form. The court shall on such form obtain the address where the domestic
7 violence offender expects to reside upon his or her release, and the
8 name and address of any institution of higher education he or she
9 expects to be employed by, enrolled in, attending or employed, whether
10 for compensation or not, and whether he or she expects to reside in a
11 facility owned or operated by such an institution, and shall report such
12 information to the division. The court shall give one copy of the form
13 to the domestic violence offender and shall send two copies to the divi-
14 sion which shall forward the information to the law enforcement agencies
15 having jurisdiction. Where the court orders a domestic violence offen-
16 der released on probation, such order must include a provision requiring
17 that he or she comply with the requirements of this article. Where such
18 domestic violence offender violates such provision, probation may be
19 immediately revoked in the manner provided by article four hundred ten
20 of the criminal procedure law.

21 § 165-d. Discharge of domestic violence offender from correctional
22 facility; duties of official in charge. Any domestic violence offender,
23 to be discharged, paroled, released to post-release supervision or
24 released from any state or local correctional facility, hospital or
25 institution where he or she was confined or committed, shall at least
26 fifteen calendar days prior to discharge, parole or release, be informed
27 of his or her duty to register under this article, by the facility in
28 which he or she was confined or committed. The facility shall require
29 the domestic violence offender to read and sign such form as may be
30 required by the division stating the duty to register and the procedure
31 for registration has been explained to him or her and to complete the
32 registration portion of such form. The facility shall obtain on such
33 form the address where the domestic violence offender expects to reside
34 upon his or her discharge, parole or release and the name and address of
35 any institution of higher education he or she expects to be employed by,
36 enrolled in, attending or employed, whether for compensation or not, and
37 whether he or she expects to reside in a facility owned or operated by
38 such an institution, and shall report such information to the division.
39 The facility shall give one copy of the form to the domestic violence
40 offender, retain one copy and shall send one copy to the division which
41 shall provide the information to the law enforcement agencies having
42 jurisdiction. The facility shall give the domestic violence offender a
43 form prepared by the division, to register with the division at least
44 fifteen calendar days prior to release and such form shall be completed,
45 signed by the domestic violence offender and sent to the division by the
46 facility at least ten days prior to the domestic violence offender's
47 release or discharge.

48 § 165-e. Duty to register and to verify. 1. Any domestic violence
49 offender shall, (a) at least ten calendar days prior to discharge,
50 parole, release to post-release supervision or release from any state or
51 local correctional facility, hospital or institution where he or she was
52 confined or committed, or, (b) at the time sentence is imposed for any
53 domestic violence offender released on probation or discharged upon
54 payment of a fine, conditional discharge or unconditional discharge,
55 register with the division on a form prepared by the division.

1 2. For a domestic violence offender required to register under this
2 article on each anniversary of the domestic violence offender's initial
3 registration date during the period in which he or she is required to
4 register under this section the following applies:

5 (a) The domestic violence offender shall mail the verification form to
6 the division within ten calendar days after receipt of the form.

7 (b) The verification form shall be signed by the domestic violence
8 offender, and state that he or she still resides at the address last
9 reported to the division.

10 (c) If the domestic violence offender fails to mail the signed verifi-
11 cation form to the division within ten calendar days after receipt of
12 the form, he or she shall be in violation of this section unless he or
13 she proves that he or she has not changed his or her residence address.

14 (d) If the domestic violence offender, to whom a notice has been
15 mailed at the last reported address pursuant to this article, fails to
16 personally appear at the law enforcement agency having jurisdiction,
17 within twenty days of the anniversary of the domestic violence
18 offender's initial registration, or an alternate later date scheduled by
19 the law enforcement agency having jurisdiction, he or she shall be in
20 violation of this section. The duty to personally appear for such
21 updated photograph shall be temporarily suspended during any period in
22 which the domestic violence offender is confined in any hospital or
23 institution, and such domestic violence offender shall personally appear
24 for such updated photograph no later than ninety days after release from
25 such hospital or institution, or an alternate later date scheduled by
26 the law enforcement agency having jurisdiction.

27 3. Any domestic violence offender shall register with the division no
28 later than ten calendar days after any change of address, internet
29 accounts with internet access providers belonging to such offender,
30 internet identifiers that such offender uses, or his or her status of
31 enrollment, attendance, employment or residence at any institution of
32 higher education. A fee of ten dollars, as authorized by subdivision
33 seven of section one hundred sixty-five-a of this article, shall be
34 submitted by the domestic violence offender each time such offender
35 registers any change of address or any change of his or her status or
36 enrollment, attendance, employment or residence at any institution of
37 higher education. Any failure or omission to submit the required fee
38 shall not affect the acceptance by the division of the change of address
39 or change of status.

40 4. The duty to register under the provisions of this article shall not
41 be applicable to any domestic violence offender whose conviction was
42 reversed upon appeal or who was pardoned by the governor.

43 5. Any nonresident worker or nonresident student, as defined in subdi-
44 visions fourteen and fifteen of section one hundred sixty-eight-a of
45 this chapter, shall register his or her current address and the address
46 of his or her place of employment or educational institution attended
47 with the division within ten calendar days after such nonresident worker
48 or nonresident student commences employment or attendance at an educa-
49 tional institution in the state. Any nonresident worker or nonresident
50 student shall notify the division of any change of residence, employment
51 or educational institution address no later than ten days after such
52 change. The division shall notify the law enforcement agency where the
53 nonresident worker is employed or the educational institution is located
54 that a nonresident worker or nonresident student is present in that
55 agency's jurisdiction.

1 § 165-f. Prior convictions; duty to inform and register. 1. The
2 department of parole or office of probation and correctional alterna-
3 tives in accordance with risk factors pursuant to this article shall
4 determine the duration of registration and notification for every domes-
5 tic violence offender who on the effective date of this article is then
6 on parole or probation for an offense provided for in subdivision two of
7 section one hundred sixty-five of this article.

8 2. Every domestic violence offender who on the effective date of this
9 article is then on parole or probation for an offense provided for in
10 subdivision two of section one hundred sixty-five of this article shall
11 within ten calendar days of such determination register with his or her
12 parole or probation officer. On each anniversary of the domestic
13 violence offender's initial registration date thereafter, the provisions
14 of section one hundred sixty-five-e of this article shall apply. Any
15 domestic violence offender who fails or refuses to so comply shall be
16 subject to the same penalties as otherwise provided for in this article
17 which would be imposed upon a domestic violence offender who fails or
18 refuses to so comply with the provisions of this article on or after
19 such effective date.

20 3. It shall be the duty of the parole or probation officer to inform
21 and register such domestic violence offender according to the require-
22 ments imposed by this article. A parole or probation officer shall give
23 one copy of the form to the domestic violence offender and shall, within
24 three calendar days, send two copies electronically or otherwise to the
25 division which shall forward one copy electronically or otherwise to the
26 law enforcement agency having jurisdiction where the domestic violence
27 offender resides upon his or her parole, probation, or upon any form of
28 state or local conditional release.

29 4. A petition for relief from this section is permitted to any domes-
30 tic violence offender required to register while released on parole or
31 probation pursuant to section one hundred sixty-five-n of this article.

32 § 165-g. Duration of registration and verification. The duration of
33 registration and verification for a domestic violence offender shall be
34 annually for a period of twenty years from the initial date of registra-
35 tion.

36 § 165-h. Registration and verification requirements. Registration and
37 verification as required by this article shall consist of a statement in
38 writing signed by the domestic violence offender giving the information
39 that is required by the division and the division shall enter the infor-
40 mation into an appropriate electronic data base or file.

41 § 165-i. Notification of local law enforcement agencies of change of
42 address. 1. Upon receipt of a change of address by a domestic violence
43 offender required to register under this article, the division shall
44 notify the local law enforcement agency having jurisdiction of the new
45 place of residence and the local law enforcement agency where the domes-
46 tic violence offender last resided of the new place of residence.

47 2. Upon receipt of change of address information, the local law
48 enforcement agency having jurisdiction of the new place of residence
49 shall adhere to the notification provisions set forth in this article.

50 3. The division shall, if the domestic violence offender changes resi-
51 dence to another state, notify the appropriate agency within that state
52 of the new place of residence.

53 4. Upon receipt of a change in the status of the enrollment, attend-
54 ance, employment or residence at an institution of higher education by a
55 domestic violence offender required to register under this article, the

1 division shall notify each law enforcement agency having jurisdiction
2 which is affected by such change.

3 5. Upon receipt of change in the status of the enrollment, attendance,
4 employment or residence at an institution of higher education by a
5 domestic violence offender required to register under this article, each
6 law enforcement agency having jurisdiction shall adhere to the notifica-
7 tion provisions set forth in this article.

8 § 165-j. Registration for change of address from another state. 1. A
9 domestic violence offender who has been convicted of an offense which
10 requires registration under this article shall notify the division of
11 the new address no later than ten calendar days after such domestic
12 violence offender establishes residence in this state.

13 2. If the division determines that the domestic violence offender is
14 required to register, the division shall notify the domestic violence
15 offender of his or her duty to register under this article and shall
16 require the domestic violence offender to sign a form as may be required
17 by the division acknowledging that the duty to register and the proce-
18 dure for registration has been explained to the domestic violence offen-
19 der. The division shall obtain on such form the address where the domes-
20 tic violence offender expects to reside within the state and the
21 domestic violence offender shall retain one copy of the form and send
22 two copies to the division which shall provide the information to the
23 law enforcement agency having jurisdiction where the domestic violence
24 offender expects to reside within this state.

25 3. The division shall undertake an information campaign designed to
26 provide information to officials and appropriate individuals in other
27 states and United States possessions concerning the notification proce-
28 dures required by this article. Such information campaign shall be ongo-
29 ing, and shall include, but not be limited to, letters, notice forms and
30 similar materials providing relevant information about this article and
31 the specific procedures required to effect notification. Such materials
32 shall include an address and telephone number which such officials and
33 individuals in other states and United States possessions may use to
34 obtain additional information.

35 § 165-k. Special telephone number. 1. Pursuant to section one hundred
36 sixty-five-a of this article, the division shall also operate a tele-
37 phone number that members of the public may call free of charge and
38 inquire whether a named individual required to register pursuant to this
39 article is listed. The division shall ascertain whether a named person
40 reasonably appears to be a person so listed. The division shall decide
41 whether the named person reasonably appears to be a person listed, based
42 upon information from the caller providing information that shall
43 include (a) an exact street address, including apartment number, driv-
44 er's license number or birth date, along with additional information
45 that may include social security number, hair color, eye color, height,
46 weight, distinctive markings, ethnicity; or (b) any combination of the
47 above listed characteristics if an exact birth date or address is not
48 available. If three of the characteristics provided include ethnicity,
49 hair color, and eye color, other identifying characteristics shall be
50 provided. Any information identifying the victim by name, birth date,
51 address or relation to the person listed by the division shall be
52 excluded by the division.

53 2. When the telephone number is called, a preamble shall be played
54 which shall provide the following information:

55 (a) notice that the caller's telephone number will be recorded;

56 (b) that there is no charge for use of the telephone number;

1 (c) notice that the caller is required to identify himself or herself
2 to the operator and provide current address and shall be maintained in a
3 written record;

4 (d) notice that the caller is required to be eighteen years of age or
5 older;

6 (e) a warning that it is illegal to use information obtained through
7 the telephone number to commit a crime against any person listed or to
8 engage in illegal discrimination or harassment against such person;

9 (f) notice that the caller is required to have the birth date, driv-
10 er's license or identification number, or address or other identifying
11 information regarding the person about whom information is sought in
12 order to achieve a positive identification of that person;

13 (g) a statement that the number is not a crime hotline and that any
14 suspected criminal activity should be reported to local authorities;

15 (h) a statement that an information package which will include a
16 description of the law and domestic violence prevention materials is
17 available upon request from the division. Such information package shall
18 include questions and answers regarding the most commonly asked ques-
19 tions about the domestic violence offender registration act, and current
20 domestic violence prevention material.

21 3. (a) The division shall establish a program allowing non-profit and
22 not-for-profit youth services organizations to pre-register with the
23 division for use of the telephone number. Pre-registration shall include
24 the identification of up to two officials of the organization who may
25 call the telephone number and obtain information on behalf of the organ-
26 ization. A pre-registered certificate issued under this subdivision
27 shall be valid for two years, unless earlier revoked by the division for
28 good cause shown. No fee shall be charged to an applicant for the iss-
29 uance of a pre-registered certificate pursuant to this subdivision.

30 (b) An organization granted a pre-registered certificate pursuant to
31 this subdivision may, upon calling the telephone number, inquire whether
32 multiple named individuals are listed on the domestic violence offender
33 registry. Notwithstanding any per call limitation the division may place
34 on calls by private individuals, the division shall allow such pre-re-
35 gistered organizations to inquire about up to twenty prospective coach-
36 es, leaders or volunteers in each call to the telephone number.

37 (c) For purposes of this subdivision, "youth services organization"
38 shall mean a formalized program operated by a corporation pursuant to
39 subparagraph five of paragraph (a) of section one hundred two of the
40 not-for-profit corporation law that functions primarily to: (i) provide
41 children the opportunity to participate in adult-supervised sporting
42 activities; or (ii) match children or groups of children with adult
43 volunteers for the purpose of providing children with positive role
44 models to enhance their development.

45 4. Whenever there is reasonable cause to believe that any person or
46 group of persons is engaged in a pattern or practice of misuse of the
47 telephone number, the attorney general, any district attorney or any
48 person aggrieved by the misuse of the number is authorized to bring a
49 civil action in the appropriate court requesting preventive relief,
50 including an application for a permanent or temporary injunction,
51 restraining order or other order against the person or group of persons
52 responsible for the pattern or practice of misuse. The foregoing reme-
53 dies shall be independent of any other remedies or procedures that may
54 be available to an aggrieved party under other provisions of law. Such
55 person or group of persons shall be subject to a fine of not less than
56 five hundred dollars and not more than one thousand dollars.

1 5. The division shall submit to the legislature an annual report on
2 the operation of the telephone number. The annual report shall include,
3 but not be limited to, all of the following:

4 (a) number of calls received;

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

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

10 (d) number of persons listed; and

11 (e) a summary of the success of the telephone number program based
12 upon selected factors.

13 § 165-l. Immunity from liability. 1. No official, employee or agency,
14 whether public or private, shall be subject to any civil or criminal
15 liability for damages for any discretionary decision to release relevant
16 and necessary information pursuant to this section if that official,
17 employee or agency acted reasonably and in good faith. The immunity
18 provided under this section applies to the release of relevant informa-
19 tion to other employees or officials or to the general public.

20 2. Nothing in this section shall be deemed to impose any civil or
21 criminal liability upon or to give rise to a cause of action against any
22 official, employee or agency, whether public or private, for failing to
23 release information as authorized in this section if that official,
24 employee or agency acted reasonably and in good faith.

25 § 165-m. Annual report. The division shall on or before February first
26 in each year file a report with the governor, and the legislature
27 detailing the program, compliance with provisions of this article and
28 effectiveness of the provisions of this article, together with any
29 recommendations to further enhance the intent of this article.

30 § 165-n. Failure to register; penalty. Any person required to register
31 pursuant to the provisions of this article who fails to register in the
32 manner and within the time periods provided for in this article shall be
33 guilty of a class E felony for the first offense, and for a second or
34 subsequent offense shall be guilty of a class D felony respectively in
35 accordance with sections 195.03 and 195.04 of the penal law. Any such
36 failure to register may also be the basis for revocation of parole
37 pursuant to section two hundred fifty-nine-i of the executive law which
38 shall be in addition to any other penalties provided by law.

39 § 165-o. Unauthorized release of information. The unauthorized release
40 of any information required by this article shall be a class B misdemea-
41 nor.

42 § 4. If any clause, sentence, paragraph, section or part of this
43 section shall be adjudged by any court of competent jurisdiction to be
44 invalid, such judgment shall not affect, impair or invalidate the
45 remainder thereof, but shall be confined in its operation to the clause,
46 sentence, paragraph, section or part thereof directly involved in the
47 controversy in which such judgment shall have been rendered.

48 § 5. This act shall take effect immediately; provided, however, that
49 section two of this act shall take effect on the first of November next
50 succeeding the date on which it shall have become a law.