STATE OF NEW YORK

7533--A

IN SENATE

January 22, 2018

Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law and the executive law, in relation to protecting communities from oversaturation of sex offenders

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 168-b of the correction law is amended by adding a new subdivision 13 to read as follows:

13. When determining whether a residence for a sex offender is acceptable, the division shall consider the number of sex offenders already residing in the proposed community. In its consideration, the division must compare the number of sex offenders in the proposed community to the number of sex offenders residing in surrounding communities, so that no village, town, city, or county bears a disproportionate representation of sex offenders and the accompanying risk of re-offenses. If the proposed community has a disproportionate representation of sex offenders compared to surrounding villages, towns, cities, or counties, the division may deny the sex offender's proposed residency on this basis. Any sex offender shall notify the division at least thirty days prior to a change in residency and inform the division of the address where the sex offender intends to reside. In the event that a sex offender is denied residency pursuant to this subdivision, the division shall refer such individual to the state board of parole, which will provide a list of possible alternatives in surrounding villages, towns, cities, or counties, depending on the division's basis for denial, in closest proximity, which satisfy the requirements of this section. The provisions of this subdivision shall not apply to any city with a population of one million or more.

§ 2. Paragraph (a) of subdivision 1 of section 168-b of the correction law, as amended by chapter 67 of the laws of 2008, is amended to read as follows:

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

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(a) The sex 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 requested places of residence,** any internet accounts with internet access providers belonging to such offender and internet identifiers that such offender uses.

§ 3. Subdivisions 1 and 4 of section 168-f of the correction law, subdivision 1 as amended by chapter 453 of the laws of 1999 and subdivision 4 as amended by chapter 67 of the laws of 2008, are amended to read as follows:

1. Any sex offender shall, **except as specified in subdivision thirteen of section one hundred sixty-eight-b of this article,** (a) at least ten calendar days prior to discharge, parole, release to post-release supervision or release from any state or local correctional facility, hospital or institution where he or she was confined or committed, or, (b) at the time sentence is imposed for any sex offender released on probation or discharged upon payment of a fine, conditional discharge or unconditional discharge, register with the division on a form prepared by the division.

4. Any sex offender shall register with the division no later than [~~ten~~] **thirty** calendar days [~~after~~] **prior to** any change of address[~~,~~] **and no later than ten calendar days after any change to** internet accounts with internet access providers belonging to such offender, internet identifiers that such offender uses, or his or her status of enrollment, attendance, employment or residence at any institution of higher education. A fee of ten dollars, as authorized by subdivision eight of section one hundred sixty-eight-b of this article, shall be submitted by the sex offender each time such offender registers any change of address or any change of his or her status of enrollment, attendance, employment or residence at any institution of higher education. Any failure or omission to submit the required fee shall not affect the acceptance by the division of the change of address or change of status.

§ 4. Subdivision 1 of section 168-q of the correction law, as amended by chapter 462 of the laws of 2014, is amended to read as follows:

1. The division shall maintain a subdirectory of level two and three sex offenders. The subdirectory shall include the exact address, address of the offender's place of employment and photograph of the sex offender along with the following information, if available: name, physical description, age and distinctive markings. Background information including all of the sex offender's crimes of conviction that require him or her to register pursuant to this article, modus of operation, type of victim targeted, the name and address of any institution of higher education at which the sex offender is enrolled, attends, is employed or resides and a description of special conditions imposed on the sex offender shall also be included. The subdirectory shall have sex offender listings categorized by county and zip code. **The division shall monitor the number of sex offenders in each village, town, city, and county to enable determination of relative densities compared to surrounding communities, pursuant to subdivision thirteen of section one hundred sixty-eight-b of this article.** Such subdirectory shall be made available at all times on the internet via the division homepage. Any person may apply to the division to receive automated e-mail notifications whenever a new or updated subdirectory registration occurs in a geographic area specified by such person. The division shall furnish such service at no charge to such person, who shall request e-mail notification by county and/or zip code on forms developed and provided

by the division. E-mail notification is limited to three geographic areas per e-mail account.

§ 5. Section 259-c of the executive law is amended by adding a new subdivision 7 to read as follows:

7. work in conjunction with the division of criminal justice services to compile possible alternative housing options to provide sex offenders when such individuals are denied housing pursuant to subdivision thirteen of section one hundred sixty-eight-b of the correction law;

§ 6. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.