STATE OF NEW YORK

7994

IN SENATE

March 16, 2018

Introduced by Sen. GALLIVAN -- (at request of the Division of Criminal Justice Services) -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to the definition of sex offender

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

Section 1. Paragraph (a) of subdivision 2 of section 168-a of the correction law, as amended by chapter 405 of the laws of 2008, subparagraph (i) as amended by chapter 368 of the laws of 2015, is amended to read as follows:

(a) (i) a conviction of or a conviction for an attempt to commit any of the provisions of sections 120.70, 130.20, 130.25, 130.30, 130.40, 130.45, 130.60, 230.34, 250.50, 255.25, 255.26 and 255.27 or article two hundred sixty-three of the penal law, or section 135.05, 135.10, 135.20 or 135.25 of such law relating to kidnapping offenses, provided the victim of such kidnapping or related offense is less than seventeen years old and the offender is not the parent of the victim, **or a sexually motivated felony defined in section 130.91 of the penal law,** or section 230.04, where the person patronized is in fact less than seventeen years of age, 230.05, 230.06, 230.11, 230.12, 230.13, subdivision two of section 230.30, section 230.32, 230.33, or 230.34 of the penal law, or section 230.25 of the penal law where the person prostituted is in fact less than seventeen years old, or (ii) a conviction of or a conviction for an attempt to commit any of the provisions of section 235.22 of the penal law, or (iii) a conviction of or a conviction for an attempt to commit any provisions of the foregoing sections committed or attempted as a hate crime defined in section 485.05 of the penal law or as a crime of terrorism defined in section 490.25 of such law [~~or as a sexually motivated felony defined in section 130.91 of such law~~]; or

§ 2. Subparagraph (iii) of paragraph (d) of subdivision 2 of section 168-a of the correction law, as amended by chapter 232 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.

LBD14438-02-8

(iii) any of the provisions of **18 U.S.C. 1470, 18 U.S.C. 1591,** 18 U.S.C. 2251, 18 U.S.C. 2251A, 18 U.S.C. 2252, 18 U.S.C. 2252A, 18 U.S.C. 2260, 18 U.S.C. 2422(b), 18 U.S.C. 2423, or 18 U.S.C. 2425, provided that the elements of such crime of conviction are substantially the same as those which are a part of such offense as of the date on which this subparagraph takes effect.

§ 3. Subdivision 12 of section 168-b of the correction law, as added by chapter 278 of the laws of 2010, is amended to read as follows:

12. The division shall make registry information regarding level two and three sex offenders**, and level one sex offenders required to register for life,** available to municipal housing authorities, as established pursuant to article three of the public housing law, to enable such authorities to identify persons ineligible to reside in public housing. The division shall, at least monthly, release to each municipal housing authority information about level two and three sex offenders **and level one sex offenders required to register for life,** with a home address and/or expected place of domicile within the corresponding municipality. The division may promulgate rules and regulations relating to procedures for the release of information in the registry to such authorities.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that the amendments to subparagraph (i) of paragraph (a) of subdivision 2 of section 168-a of the correction law made by section one of this act shall apply to persons registered as a sex offender for a sexually motivated felony prior to the effective date of this act and to offenses committed on or after such date or, in the case of a person convicted in another jurisdiction, to offenders who have established a residence in this state on or after such date; and provided, further, that the amendments to subparagraph (iii) of paragraph (d) of subdivision 2 of section 168-a of the correction law made by section two of this act shall apply to offenders who have established a residence in this state on or after such date or, if the conviction occurred in a court located within the geographical boundaries of the state of New York, to offenders convicted on or after such date.