

# STATE OF NEW YORK

2950

2017-2018 Regular Sessions

## IN ASSEMBLY

January 23, 2017

Introduced by M. of A. SIMOTAS, GUNTHER, COLTON, RAIA, HOOPER -- Multi-Sponsored by -- M. of A. ENGLEBRIGHT -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to the registration of sex offenders; and to repeal paragraphs (b-2) and (b-3) of subdivision 2 of section 168-f of such law relating thereto

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

1 Section 1. Paragraph (b) of subdivision 1 of section 168-b of the  
2 correction law, as amended by section 1 of part O of chapter 56 of the  
3 laws of 2005, is amended to read as follows:

4 (b) A photograph, including the date such photograph was taken, if  
5 known, and set of fingerprints. [~~For a sex offender given a level three~~  
6 ~~designation, the~~] The division shall, during the period of registration,  
7 update such photograph once each year for every sex offender. [~~For a sex~~  
8 ~~offender given a level one or level two designation, the division shall,~~  
9 ~~during the period of registration, update such photograph once every~~  
10 ~~three years.~~] The division shall notify the sex offender by mail of the  
11 duty to appear and be photographed at the specified law enforcement  
12 agency having jurisdiction. Such notification shall be mailed at least  
13 thirty days and not more than sixty days before the photograph is  
14 required to be taken pursuant to subdivision two of section one hundred  
15 sixty-eight-f of this article.

16 § 2. Paragraphs (b-2) and (b-3) of subdivision 2 of section 168-f of  
17 the correction law are REPEALED and a new paragraph (b-2) is added to  
18 read as follows:

19 (b-2) No later than thirty calendar days after each anniversary of the  
20 sex offender's initial registration date, the sex offender shall  
21 personally appear at the law enforcement agency having jurisdiction for  
22 the purpose of providing a current photograph of such offender. The duty  
23 to personally appear shall be temporarily suspended during any period in

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

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1 which the sex offender is confined to any state or local correctional  
2 facility, hospital or institution and shall immediately recommence on  
3 the date of the sex offender's release.

4 § 3. Paragraph (c-1) of subdivision 2 of section 168-f of the  
5 correction law, as added by section 2 of part 0 of chapter 56 of the  
6 laws of 2005, is amended to read as follows:

7 (c-1) If the sex offender, to whom a notice has been mailed at the  
8 last reported address pursuant to paragraph ~~(b)~~ (b) of subdivision one  
9 of section one hundred sixty-eight-b of this article, fails to  
10 personally appear at the law enforcement agency having jurisdiction, as  
11 provided in paragraph (b-2) ~~[ex-(b-3)]~~ of this subdivision, within  
12 ~~[twenty]~~ thirty days of the anniversary of the sex offender's initial  
13 registration, or an alternate later date scheduled by the law enforce-  
14 ment agency having jurisdiction, he or she shall be in violation of this  
15 section. The duty to personally appear for such updated photograph shall  
16 be temporarily suspended during any period in which the sex offender is  
17 confined in any hospital or institution, and such sex offender shall  
18 personally appear for such updated photograph no later than ninety days  
19 after release from such hospital or institution, or an alternate later  
20 date scheduled by the law enforcement agency having jurisdiction.

21 § 4. Section 168-j of the correction law is amended by adding a new  
22 subdivision 6 to read as follows:

23 6. The law enforcement agency having jurisdiction shall photograph a  
24 sex offender who personally appears pursuant to paragraph (b-2) of  
25 subdivision two of section one hundred sixty-eight-f of this article and  
26 shall promptly forward a copy of such photograph to the division along  
27 with the date the photograph was taken.

28 § 5. Paragraphs (b) and (c) of subdivision 6 of section 168-l of the  
29 correction law, paragraph (b) as amended by chapter 513 of the laws of  
30 2011 and paragraph (c) as separately amended by chapters 318 and 680 of  
31 the laws of 2005, are amended to read as follows:

32 (b) If the risk of repeat offense is moderate, a level two designation  
33 shall be given to such sex offender. In such case the law enforcement  
34 agency or agencies having jurisdiction and the law enforcement agency or  
35 agencies having had jurisdiction at the time of his or her conviction  
36 shall be notified and may disseminate relevant information which shall  
37 include a photograph, along with the date such photograph was taken if  
38 known, and description of the offender and which may include the exact  
39 name and any aliases used by the sex offender, exact address, background  
40 information including the offender's crime of conviction, mode of opera-  
41 tion, type of victim targeted, the name and address of any institution  
42 of higher education at which the sex offender is enrolled, attends, is  
43 employed or resides and the description of special conditions imposed on  
44 the offender to any entity with vulnerable populations related to the  
45 nature of the offense committed by such sex offender. Any entity receiv-  
46 ing information on a sex offender may disclose or further disseminate  
47 such information at its discretion. In addition, in such case, the  
48 information described herein shall also be provided in the subdirectory  
49 established in this article and notwithstanding any other provision of  
50 law, such information shall, upon request, be made available to the  
51 public.

52 Such law enforcement agencies shall compile, maintain and update a  
53 listing of vulnerable organizational entities within its jurisdiction.  
54 Such listing shall be utilized for notification of such organizations in  
55 disseminating such information on level two sex offenders pursuant to  
56 this paragraph. Such listing shall include and not be limited to:

1 superintendents of schools or chief school administrators, superinten-  
2 dents of parks, public and private libraries, public and private school  
3 bus transportation companies, day care centers, nursery schools, pre-  
4 schools, neighborhood watch groups, community centers, civic associ-  
5 ations, nursing homes, victim's advocacy groups and places of worship.

6 (c) If the risk of repeat offense is high and there exists a threat to  
7 the public safety a level three designation shall be given to such sex  
8 offender. In such case, the law enforcement agency or agencies having  
9 jurisdiction and the law enforcement agency or agencies having had  
10 jurisdiction at the time of his or her conviction shall be notified and  
11 may disseminate relevant information which shall include a photograph,  
12 along with the date such photograph was taken if known, and description  
13 of the offender and which may include the sex offender's exact name and  
14 any aliases used by the offender, exact address, address of the  
15 offender's place of employment, background information including the  
16 offender's crime of conviction, mode of operation, type of victim  
17 targeted, the name and address of any institution of higher education at  
18 which the sex offender is enrolled, attends, is employed or resides and  
19 the description of special conditions imposed on the offender to any  
20 entity with vulnerable populations related to the nature of the offense  
21 committed by such sex offender. Any entity receiving information on a  
22 sex offender may disclose or further disseminate such information at its  
23 discretion. In addition, in such case, the information described herein  
24 shall also be provided in the subdirectory established in this article  
25 and notwithstanding any other provision of law, such information shall,  
26 upon request, be made available to the public.

27 Such law enforcement agencies shall compile, maintain and update a  
28 listing of vulnerable organizational entities within its jurisdiction.  
29 Such listing shall be utilized for notification of such organizations in  
30 disseminating such information on level three sex offenders pursuant to  
31 this paragraph. Such listing shall include and not be limited to:  
32 superintendents of schools or chief school administrators, superinten-  
33 dents of parks, public and private libraries, public and private school  
34 bus transportation companies, day care centers, nursery schools, pre-  
35 schools, neighborhood watch groups, community centers, civic associ-  
36 ations, nursing homes, victim's advocacy groups and places of worship.

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

39 1. The division shall maintain a subdirectory of level two and three  
40 sex offenders. The subdirectory shall include the exact address, address  
41 of the offender's place of employment and photograph of the sex  
42 offender, along with the date such photograph was taken if known, along  
43 with the following information, if available: name, physical  
44 description, age and distinctive markings. Background information  
45 including all of the sex offender's crimes of conviction that require  
46 him or her to register pursuant to this article, modus of operation,  
47 type of victim targeted, the name and address of any institution of  
48 higher education at which the sex offender is enrolled, attends, is  
49 employed or resides and a description of special conditions imposed on  
50 the sex offender shall also be included. The subdirectory shall have sex  
51 offender listings categorized by county and zip code. Such subdirectory  
52 shall be made available at all times on the internet via the division  
53 homepage. Any person may apply to the division to receive automated  
54 e-mail notifications whenever a new or updated subdirectory registration  
55 occurs in a geographic area specified by such person. The division shall  
56 furnish such service at no charge to such person, who shall request

1 e-mail notification by county and/or zip code on forms developed and  
2 provided by the division. E-mail notification is limited to three  
3 geographic areas per e-mail account.  
4 § 7. This act shall take effect on the one hundred twentieth day after  
5 it shall have become a law.