STATE OF NEW YORK

4875

2017-2018 Regular Sessions

IN ASSEMBLY

February 3, 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 Assembly, do enact as follows:

Section 1. This act shall be known and may be cited as the "New York state terrorist registry act".

§ 2. The executive law is amended by adding a new section 719 to read as follows:

§ 719. Terrorist registry information sharing. 1. Upon request, the division of criminal justice services shall provide any and all information it obtains, on any terrorist required to be registered pursuant to article six-D of the correction law, to the division of homeland security and emergency services, and the provision of such information shall be in the form and manner as the division of homeland security and emergency services may so request.

2. Upon request, the division of criminal justice services shall further regularly supplement the information provided pursuant to subdivision one of this section, so as to deliver any new, different or additional information not previously provided to the division of homeland security and emergency services.

3. The division of homeland security and emergency services shall provide the division of criminal justice services with any and all information the division of criminal justice services shall require, in order to maintain an accurate and complete registration of terrorists pursuant to article six-D of the correction law, and the provision of such information shall be in the form and manner as the division of criminal justice services shall so request.

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

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

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

2. Upon request, the division of criminal justice services shall further regularly supplement the information provided pursuant to subdivision one of this section, so as to deliver any new, different, or additional information not previously provided to the division of state police.

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

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

ARTICLE 6-D
TERRORIST REGISTRY

Section 169-a. Legislative findings.
169-b. Definitions.
169-b-1. Duties of the registrant.
169-c. Duties of the division.
169-d. Registration information.
169-e. Registrant notification; standardized registration and verification forms.
169-f. Administrative review of potential registrants.
169-g. Initial assembly of the registry.
169-h. Registration and verification of terrorists.
169-i. Duties of the court.
169-j. Responsibilities of a confinement entity prior to discharge of a terrorist.
169-k. Responsibilities during community supervision or probation.
169-l. Duration of registration and verification.
169-m. Notification of change of address.
169-n. Registry information sharing.
169-o. DNA and fingerprint custody and analysis.
169-p. Registry and verification fees.
169-q. Special telephone number.
169-r. Internet directory.
169-s. Immunity from liability.
169-t. Annual report.
169-u. Penalty.
169-v. Unauthorized release of information.
169-w. Expenses incurred by governmental entities.
169-x. Separability.

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

The legislature additionally finds and determines, that it is the first responsibility of any government to provide for the public protection and safety of its citizens, and that in order to assure such public protection and safety, New York must take active steps to advance a program of prevention of, response to, and recovery from, terrorist attacks.

The legislature also finds and determines, that in order to advance a program to prevent terrorist attacks, while still preserving the essential civil liberties and freedoms that New York's citizens hold dear as an irreplaceable, foundational element of society, the state must take responsible action to register those individuals, who have demonstrated through their past actions, that they would commit an act of terrorism.

The legislature further finds and determines, that the purpose of the New York state terrorist registry established by this article, is to monitor those individuals, who have demonstrated through their past actions, that they would commit an act of terrorism, so that through such monitoring, such persons will be discouraged and/or prevented from committing any new acts of terrorism, against the people and property of the state of New York.

§ 169-b. Definitions. As used in this article, the following definitions shall apply:

1. "Terrorist" means any person who is convicted of any terrorist offense set forth in subdivision two of this section, and/or who has engaged in any verifiable act of terrorism pursuant to subdivision three of this section.

2. "Terrorist offense" means any offense:

(a) Set forth in article four hundred ninety of the penal law;

(b) In any other jurisdiction, whether within the United States or a foreign country, which includes all of the essential elements of any offense set forth in article four hundred ninety of the penal law;

(c) Set forth in sections 32, 37, 81, 175, 175b, 229, 351, 831, 844 (f), 844 (i), 930 (c), 956, 1038, 1114, 1116, 1203, 1362, 1363, 1366, 1751, 1992, 1993, 2155, 2280, 2281, 2332, 2332a, 2332b, 2332c, 2332d, 2332e, 2332f, 2332g, 2332h, 2339, 2339a, 2339b, 2339c, and/or 2339d of title 18 of the United States Code;

(d) Set forth in section 2284 of title 42 of the United States Code;

(e) Set forth in section 46504, 46505 (b) (3), 46506, and/or 60123 (b) of title 49 of the United States Code; and/or

(f) In any other jurisdiction, whether within the United States or a foreign country, of any offense which includes all of the essential elements of any offense set forth within paragraphs (c), (d) or (e) of this subdivision.

3. "Verifiable act of terrorism" means any act committed by a person or persons that has resulted in such person or persons being:

(a) Convicted by a combat status review tribunal or military commission of any act of terrorism, terrorist activities, or the harboring, support and/or promotion of terrorists of terrorist activities;

(b) Convicted by a military or civilian court of competent jurisdiction of any act of terrorism, terrorist activities, or the harboring, support and/or promotion of terrorists or terrorist activities;

(c) Subject to an order of detention by the armed forces of the United States, any other government agency of the United States, or any contractor of the government of the United States that is authorized by the government of the United States to make such detentions, upon a determination that such person was at any time, a foreign enemy combatant or an illegal enemy combatant;

(d) Deported or transported, to a country, other than the United States, by the government of the United States, or any department or agency thereof, upon a determination of involvement in terrorist activities, or the harboring, support and/or promotion of terrorists or terrorist activities; or

(e) Designated by the United States department of homeland security, the United States department of state, the United States department of justice, the United States department of defense or any of its armed services, the United States central intelligence agency, and/or the office of the director of national intelligence, as a person who has committed a terrorist act against the United States or any of its citizens, and/or who is a member of a designated terrorist organization pursuant to section 1189 of title 8 of the United States Code.

4. "Terrorist incident" means any incident which was the basis of a conviction for any terrorist offense, as defined by subdivision two of this section, or any incident which was the basis for a verifiable act of terrorism, as defined by subdivision three of this section.

5. "Law enforcement agency having jurisdiction" means:

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

(b) If the terrorist does not receive discharge, probation, parole, release to post-release supervision, or any other form of federal, state or local conditional release, then the chief law enforcement officer in the village, town or city in which the terrorist actually resides; or

(c) If there is no chief law enforcement officer in such village, town or city, the chief law enforcement officer of the county; or

(d) If there is no chief enforcement officer in such village, town, city or county, the division of state police.

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

7. "Department" means the department of corrections and community supervision, as defined in subdivision one of section two, and section five, of this chapter.

7-a. "Division of homeland security and emergency services" means the division of homeland security and emergency services as defined in article twenty-six of the executive law.

7-b. "Division of state police" means the division of state police as defined in article eleven of the executive law.

8. "Office of probation and correctional alternatives" means the office of probation and correctional alternatives as described in section two hundred forty of the executive law.

9. "Hospital" means a hospital as defined in subdivision two of section four hundred of this chapter and applies to persons committed to such hospital by order of commitment made pursuant to article sixteen of this chapter.

10. "Local correctional facility" means the local correctional facility as that term is defined in subdivision sixteen of section two of this chapter.

11. "Probation" means a sentence of probation imposed pursuant to article sixty-five of the penal law and shall include a sentence of imprisonment imposed in conjunction with a sentence of probation.

12. "Registry" means the New York state terrorist registry established and maintained by the division of criminal justice services pursuant to this article.

13. "Registrant" means a terrorist, that upon administrative review, pursuant to section one hundred sixty-nine-f of this article, the division has determined shall be required to register with, and be added to, the New York state terrorist registry.

14. "Confinement entity" means the department, or any other office, agency, government, corporation or other institution which maintains the correctional facility, hospital, local correctional facility, or any other similar type of secure facility, at which a terrorist, as defined in subdivision one of this section, is confined.

15. "Living in New York state" means any person who is a resident of a permanent place of dwelling, located within the state of New York.

16. "Working in New York state" means any person who is employed by any person, business, organization, entity or government, where such employment occurs at any location within the state of New York.

17. "Attending an educational institution in New York state" means any person who attends classes or instruction in any school, college, university, technical school, or other institution or place of learning located within the state of New York.

§ 169-b-1. Duties of the registrant. 1. Duty to notify. Any person who has been convicted of any terrorist offense set forth in subdivision two of section one hundred sixty-nine-b of this article, and/or who has engaged in any verifiable act of terrorism pursuant to subdivision three of section one hundred sixty-nine-b of this article, who is living in New York state, working in New York state, or attending an educational institution in New York state, and who has not received a registration packet, as defined in subdivision one of section one hundred sixty-nine-e of this article, shall have a duty to notify the division of their name, address, and telephone number within thirty days of the effective date of this article or within thirty days of the commencement of their living in New York state, working in New York state, or attending an educational institution in New York state, whichever is later.

2. Duty to register. Any person who has been provided by the division with a registration packet as defined in section one hundred sixty-nine-e of this article, shall have a duty to register with the division within ten calendar days of the receipt of the registration packet from the division, or within thirty calendar days of the mailing of the registration packet by the division, or within five calendar days of the downloading of the standardized registration form from the division's website, or within five days of being personally notified by the division or its representative, whichever is earlier, and shall further return a fully executed, signed and completed copy of the standardized registration form to the division, either by means of United States first class mail, or by means of personal delivery to the law enforcement agency having jurisdiction, in order to satisfy their duty to register in accordance with this article.

§ 169-c. Duties of the division. 1. Terrorist registry. The division shall establish and maintain an information file on all terrorists required to register pursuant to the provisions of this article, which shall include all the information set forth in section one hundred sixty-nine-d of this article, and which shall be known as the New York state terrorist registry.

2. Registrant notification. The division shall notify every terrorist required to be registered under this article, pursuant to the provisions

of section one hundred sixty-nine-e of this article, but in no event shall the failure of a terrorist to receive such notice relieve such terrorist from any obligation required by this article.

3. Initial assembly of the registry. The division, pursuant to section one hundred sixty-nine-f of this article, shall conduct administrative reviews to determine what terrorists shall be initially added to the registry, and upon such administrative reviews and determinations, in accordance with section one hundred sixty-nine-g of this article, shall add such terrorists to the New York state terrorist registry.

4. Administrative reviews of potential registrants. The division, in accordance with section one hundred sixty-nine-f of this article, shall make regular administrative reviews to determine what terrorists shall be added to the registry.

5. Standardized registration information form, personalized registration information form and standardized registration form. The division shall develop a standardized registration information form, a personalized registration information form and a standardized registration form, pursuant to section one hundred sixty-nine-e of this article.

6. Standardized verification information form, personalized verification form and standardized verification form. The division shall develop a standardized verification information form, a personalized verification form and a standardized verification form, pursuant to section one hundred sixty-nine-e of this article.

7. Registration and verification of terrorists. The division, pursuant to section one hundred sixty-nine-h of this article, shall provide for the registration and verification of terrorists added to the New York state terrorist registry.

8. Notification of change of address. The division, pursuant to section one hundred sixty-nine-m of this article, shall provide for the notification of law enforcement agencies having jurisdiction, when a registrant notifies the division of a change of address.

9. Registry information sharing. The division, pursuant to section one hundred sixty-nine-n of this article, is authorized to share the New York state terrorist registry, and all the information contained therein, to advance the purposes of this article.

10. Secure information. The division, pursuant to section one hundred sixty-nine-n of this article, in consultation with the division of homeland security and emergency services and the division of state police, shall review the information contained on the registry, and shall determine whether the disclosure of any particular information contained on the registry may cause a security risk to the people or property of the state of New York, and upon such determination that such particular information needs to be deemed secure, the division shall remove such secure information from public accessibility.

11. DNA custody and analysis. The division, pursuant to section one hundred sixty-nine-o of this article, shall provide for the secure, custodial transfer of the DNA sample collected from the registrant, for the preservation, storage and analysis of such DNA sample, and shall further provide for the subsequent secure custodial transfer of the DNA sample, and/or the analysis produced therefrom, to the state DNA identification index, maintained pursuant to section nine hundred ninety-five-c of the executive law.

12. Fingerprint custody and analysis. The division, pursuant to section one hundred sixty-nine-o of this article, shall provide for the secure, custodial transfer of the fingerprints collected from the registrant, to the laboratory maintained by the division of state police, or

another approved fingerprint analysis entity as contracted with by the division, for the preservation, storage and analysis of such fingerprints.

13. Registry and verification fees. The division, pursuant to section one hundred sixty-nine-p of this article, shall be authorized to charge registration and verification fees to be paid to the division by the registrant, at the time and manner prescribed by the division, with the state comptroller being authorized to deposit such fees into the general fund.

14. Special telephone number. The division shall establish and operate a special telephone number pursuant to section one hundred sixty-nine-q of this article.

15. Internet directory. The division shall establish an internet directory pursuant to section one hundred sixty-nine-r of this article.

§ 169-d. Registration information. The division, pursuant to subdivision one of section one hundred sixty-nine-c of this article, shall establish and maintain an information file on all terrorists required to register pursuant to the provisions of sections one hundred sixty-nine-b-one and one hundred sixty-nine-k of this article, which shall be known as the New York state terrorist registry, and which shall include the following information on each such registrant:

1. Personal information, including:

(a) The terrorist's name;

(b) All aliases currently or ever used by the terrorist;

(c) The date of birth of the terrorist;

(d) The sex of the terrorist;

(e) The race of the terrorist;

(f) The height, weight, eye color, distinctive markings, and build of the terrorist;

(g) The nation of origin and country or countries of citizenship of the terrorist;

(h) The driver's license number or non-driver's identification card number of the terrorist;

(i) The passport number of the most recent passport of the terrorist;

(j) The home address and/or expected place of domicile and/or actual place of domicile of the terrorist;

(k) The social security number, or taxpayer identification number, of the terrorist;

(l) Any and all internet accounts with internet service/access providers belonging to such terrorist;

(m) Any and all internet identifiers that such terrorist uses, or has used; and

(n) Any and all cellular accounts and cellular telephone numbers with cellular service providers belonging to the terrorist, or any and all cellular accounts and cellular telephone numbers with cellular service of which the terrorist has authorized use;

2. Forensic information, including:

(a) A photograph of the terrorist, taken in accordance with the provisions of this article, which shall be updated annually;

(b) A complete set of fingerprints of the terrorist, collected in accordance with the provisions of this article;

(c) A DNA sample, collected in accordance with the provisions of this article, with such sample being compliant with testing for the combined DNA index system (CODIS), and with such sample capable of providing a report and analysis of autosomal DNA (atDNA), mitochondrial DNA (mtDNA)

and Y-chromosome DNA (Y-DNA), together with any other screening or DNA testing as may be required by the division; and

(d) A DNA analysis of the DNA sample collected from the terrorist, performed by a laboratory approved by the division, with such analysis being compliant with the combined DNA index system (CODIS), and with such analysis capable of providing a report and analysis of autosomal DNA (atDNA), mitochondrial DNA (mtDNA) and Y-chromosome DNA (Y-DNA), together with any other screening or DNA testing as may be required by the division;

3. Terrorist incident information, including, for each and every terrorist incident involving the terrorist:

(a) A complete description of the incident and its surrounding events for which the terrorist was convicted, detained, deported, transported, or designated;

(b) The date of the incident and its surrounding events for which the terrorist was convicted, detained, deported, transported, or designated;

(c) A complete description of each and every consequence of the incident and its surrounding events for which the terrorist was convicted, detained, deported, transported, or designated, including each and every sentence, fine, punishment and/or sanction imposed as a result of the incident; and

(d) The date of each and every conviction, detainment, deportation, transportation, and/or designation that occurred as a result of the incident, and each and every sentence, fine, punishment and/or sanction imposed as a result of the incident;

4. Employment information of the terrorist, including:

(a) In the case of a terrorist who is employed, or who expects to be employed:

(i) the name and address of the terrorist's current or expected employer;

(ii) a complete description of the terrorist's employment duties, work locations, job titles and tools and materials utilized during the course of employment; and

(iii) a complete list of the terrorist's supervisors; and

(b) In the case of a terrorist who is a student, or who expects to be a student:

(i) the name and address of the terrorist's educational institution or expected educational institution;

(ii) a complete description of the terrorist's classes taken, or expected to be taken, classroom locations, and educational credits; and

(iii) a complete list of the terrorist's professors.

5. Supplemental and verification information of the terrorist, including:

(a) An annual update of the terrorist's photograph; and

(b) Any other additional and further information deemed pertinent by the division.

§ 169-e. Registrant notification; standardized registration and verification forms. 1. Registration packet. The division shall create a non-forwardable registration packet, which shall consist of a standardized registration information form, a personalized registration information form, and a standardized registration form.

2. Standardized registration information form. The division shall create a standardized registration information form, in clear and concise language, with the purpose of providing information to every terrorist, required to register with the New York state terrorist registry, on the following:

(a) Duty and obligation to register. The standardized registration information form shall provide information concerning the registrant's duty and obligation to register with the division;

(b) Further duties and obligations of registrants. The standardized registration information form shall also provide information advising the registrant of his or her duties and obligations under this article; and

(c) Manner of registration. The standardized registration information form shall additionally provide information concerning the manner and procedures that a registrant shall be required to follow, in order to properly register in accordance with the provisions of this article, including:

(i) detailed directions and information as to how to complete the standardized registration form;

(ii) detailed directions and information as to how the registrant must appear before the law enforcement agency having jurisdiction, as well as information concerning the registrant's requirement to provide his or her photograph, fingerprints and a DNA sample to such law enforcement agency; and

(iii) detailed directions and information concerning the registrant's responsibility to pay a one hundred dollar registration fee to the division, pursuant to section one hundred sixty-nine-p of this article, and the available means and manner in which such fee shall be paid.

3. Personalized registration information form. The division shall create a personalized registration information form, in clear and concise language, with the purpose of providing information to every terrorist required to register with the New York state terrorist registry with detailed directions and information as to where the registrant must appear before the law enforcement agency having jurisdiction, which shall specify the address, telephone number and designated contact person of such law enforcement agency.

4. Standardized registration form. The division shall create a standardized registration form, in clear and concise language, with the purpose of collecting the registration information identified in section one hundred sixty-nine-d of this article, from every terrorist required to register with the New York state terrorist registry.

5. Verification packet. The division shall create a non-forwardable verification packet, which shall consist of a standardized verification information form, a personalized verification information form, and a standardized verification form.

6. Standardized verification information form. The division shall create a standardized verification information form, in clear and concise language, with the purpose of providing information to every terrorist, required to register with the New York state terrorist registry, on the following:

(a) Duty and obligation to provide verification. The standardized verification information form shall provide information concerning the registrant's duty and obligation to provide quarterly verification with the division;

(b) Further duties and obligations of registrants. The standardized verification information form shall also provide information advising the registrant of his or her duties and obligations under this article; and

(c) Manner of registration. The standardized verification information form shall additionally provide information concerning the manner and procedures that a registrant shall be required to follow, in order to

properly provide verification in accordance with the provisions of this article, including:

(i) detailed directions and information as to how to complete the standardized verification form;

(ii) detailed directions and information as to how to appear before the law enforcement agency having jurisdiction, concerning the registrant's requirement to annually update his or her photograph with such law enforcement agency; and

(iii) detailed directions and information concerning the terrorist's responsibility to pay a ten dollar change of address fee to the division, as well as a ten dollar annual updated photograph fee, pursuant to section one hundred sixty-nine-p of this article, and the available means and manner in which such fee or fees shall be paid.

7. Personalized verification information form. The division shall create a personalized verification information form, in clear and concise language, with the purpose of providing information to every terrorist required to register with the New York state terrorist registry with detailed directions and information as to where the registrant must appear before the law enforcement agency having jurisdiction, which shall specify the address, telephone number and designated contact person of such law enforcement agency. Such personal verification information form shall further indicate the date by which the registrant must appear before the law enforcement agency having jurisdiction to provide such updated photograph.

8. Standardized verification form. The division shall create a standardized verification form, in clear and concise language, with the purpose of collecting the quarterly supplemental and verification information identified in section one hundred sixty-nine-d of this article, from every terrorist required to register with the New York state terrorist registry.

9. Availability of information and forms. In addition to the other provisions of this section, the division shall further make information and forms available as follows:

(a) The division shall make paper copies of the standardized registration information form, the standardized registration form, the standardized verification information form and the standardized verification form available to registrants, attorneys representing registrants, the unified court system, the department, federal, state and local law enforcement, and such other and further individuals and entities as the division deems appropriate;

(b) The division shall further post electronic copies of the standardized registration information form, the standardized registration form, the standardized verification information form and the standardized verification form, produced in accordance with this section, on the official website of the division, and such electronic forms shall all be in a downloadable format, to allow for the submission of a completed copy of such form or forms to the division, regardless of whether any such form or forms have been provided to, or received by, the registrant, or regardless of whether such registrant has in fact received notice of his or her duty and obligation to register as required by this article; and

(c) The division shall also maintain a toll free telephone number, which shall be displayed on the official website of the division, to provide, upon request of any person required to register with the New York state terrorist registry, or their representative, all information that is necessary for a registrant to complete their registration with

the New York state terrorist registry, or for a registrant to complete their verification, including information that would be provided in a personalized registration information form or a personalized verification information form.

10. Advertisement. The division shall advertise on its official website that all persons who have been convicted of any terrorist offense set forth in subdivision two of section one hundred sixty-nine-b of this article, and/or who have engaged in any verifiable act of terrorism pursuant to subdivision three of section one hundred sixty-nine-b of this article, who are living in New York state, working in New York state, or attending an educational institution in New York state, are required to register with and provide verification to the division under penalty of law, and that the information and forms necessary to complete such registration and provide such verification are available for download on the division's website and that further information can be obtained from calling the toll free telephone number established in accordance with paragraph (c) of subdivision nine of this section.

11. Purpose of the registration packet. The purpose of the non-forwardable registration packet created in accordance with subdivision one of this section, shall be to inform every terrorist added to the New York state terrorist registry of such terrorist's duty and obligation to register as required by this article, and to collect the necessary information from such terrorist as required by this article.

12. Mailing of registration packet. The non-forwardable registration packet, as defined in subdivision one of this section, shall be mailed by the division, by first class mail, to the last known address of such terrorist, in accordance with the timelines established by subdivision fifteen of this section.

13. Purpose of the verification packet. The purpose of the non-forwardable verification packet, created in accordance with subdivision five of this section, shall be to inform every registrant added to the New York state terrorist registry of such registrant's duty and obligation to provide verification as required by this article, and to collect the necessary verification information from such registrant as required by this article.

14. Mailing of verification packet. The non-forwardable verification packet, as defined in subdivision five of this section, shall be mailed by the division, by first class mail, to the last known address of such registrant, in accordance with the timelines established by subdivision fifteen of this section.

15. Timelines. With respect to the requirements of this article, the following timelines shall apply:

(a) The mailing required in accordance with the provisions of subdivision twelve of this section shall be completed by the division within ten calendar days of the date on which the division makes a determination pursuant to the administrative review that the registrant to whom the mailing is directed to the New York state terrorist registry;

(b) The mailing required in accordance with subdivision fourteen of this section shall be completed by the division within seventy-five calendar days of the date on which the registrant to whom the mailing is directed provides the division with all the information required in the standardized registration form, and then again, every ninety days thereafter;

(c) The registrant, within ten calendar days of the receipt of the registration packet from the division, or within thirty calendar days of the mailing of registration packet by the division, or within five

calendar days of downloading the standardized registration form from the division's website, or within five days of being personally notified by the division or its representative, whichever is earlier, shall return a fully executed, signed and completed copy of the standardized registration form to the division, either by means of United States first class mail, or by means of personal delivery to the law enforcement agency having jurisdiction;

(d) The registrant, within ten calendar days of the receipt of the verification packet from the division, or within fifteen calendar days of the mailing of verification packet by the division, or within five calendar days of downloading the standardized verification form from the division's website, or within five calendar days of being personally notified by the division or its representative, whichever is earlier, shall return a fully executed, signed and completed copy of the standardized verification form to the division, either by means of United States first class mail, or by means of personal delivery to the law enforcement agency having jurisdiction;

(e) The registrant, within fifteen calendar days of the receipt of the registration packet from the division, or within thirty-five calendar days of the mailing of registration packet by the division, or within ten calendar days of downloading the standardized registration form from the division's website, or within five calendar days of being personally notified by the division or its representative, whichever is earlier, shall appear before the law enforcement agency having jurisdiction, to provide fingerprints, an initial photograph and a DNA sample, unless such registrant has previously had their initial photograph previously taken, and their fingerprints and DNA sample previously collected, in accordance with subdivisions three and five of section one hundred sixty-nine-j of this article, or in accordance with subdivisions three and five of section one hundred sixty-nine-k of this article;

(f) The registrant shall annually appear before the law enforcement agency having jurisdiction, not later than one year after, and not prior to three hundred thirty days before, the anniversary date of the taking or his or her initial photograph in order to provide the division within an updated photograph; and

(g) The division, upon receiving the completed registration packet from the registrant, or sixty days after the division provided the registration packet to the registrant, whichever is sooner, shall add the registrant to the New York state terrorist registry.

16. Duty and obligation to register and provide verification absolute. In no event shall the failure of a terrorist to receive any notice, registration packet or verification packet relieve any such terrorist from any duty or obligation required by this article.

17. Violations. In the event that a completed standardized registration form or a completed standardized verification form is not returned to the division by a registrant within the timelines required pursuant to subdivision fifteen of this section, the division shall immediately notify the division of state police, the division of homeland security and emergency services, and the United States department of homeland security, whereupon the division of state police shall immediately cause such non-compliant registrant to be arrested and charged with a failure to register in accordance with this article, and pursuant to section 490.23 of the penal law.

18. Late filings. The division may by regulation identify certain circumstances when the commissioner may authorize the late submission of a standardized registration form, a standardized verification form, or

the late collection of fingerprints, DNA sample, initial photograph or updated photograph, but in no event shall a late submission or late collection be authorized more than ninety days after the registrant, if of legal capacity, received actual notice, of their duty and obligation to submit or have collected such standardized registration form, standardized verification form, fingerprints, DNA sample, initial photograph or updated photograph.

19. Regulations. The division shall promulgate rules and regulations to implement the provisions of this section.

§ 169-f. Administrative review of potential registrants. 1. Generally. The division shall make regular administrative reviews to identify terrorists, as defined in subdivision one of section one hundred sixty-nine-b of this article, who are living, working or attending an educational institution in New York state, and upon such identification, the division shall make a determination if such person should be added to the registry pursuant to the provisions of subdivision seven of this section. Upon any such administrative review and determination that a person shall be added to the registry, in accordance with the provisions of this section, the division shall add such person to the registry, and shall notify such person pursuant to section one hundred sixty-nine-e of this article. The division, upon receiving the completed registration packet from the registrant, or sixty days after the division provided the registration packet to the registrant, whichever is sooner, shall add the registrant to the New York state terrorist registry.

2. Release notification. In the case of any terrorist, it shall be the duty of the confinement entity in whose custody such terrorist is held, at least sixty calendar days prior to the release of such terrorist from such custody, to notify the division, in a form and manner provided by the division, of the contemplated release or discharge of such terrorist. The notification provided shall include the address at which such terrorist proposes to reside. If such terrorist changes his or her place of residence while on parole, such notification of the change of residence shall be sent by the terrorist's parole officer within forty-eight hours to the division, on a form and in a manner provided by the division. In the event that the confinement entity is unable to notify the division of the contemplated release or discharge of such terrorist at least sixty days prior to such release, the confinement entity must provide an emergency notification to the division, in a form and manner provided by the division.

3. Probation notification. In the case of any terrorist on probation, it shall be the duty of the terrorist's probation officer to notify the division, within forty-eight hours, of any initial or changed place of residence of such terrorist, in the form and manner provided by the division.

4. Escape notification. In the event that any terrorist escapes from the custody of any confinement entity, the designated official of the confinement entity, shall immediately notify, by telephone and/or email, the division of such escape. Within twenty-four hours, the confinement entity shall further provide the division and the law enforcement agency having jurisdiction at, and immediately prior to, the time of the terrorist's confinement, with:

(a) The name and aliases of the terrorist;

(b) The address at which the terrorist resided at the time of his or her confinement;

(c) The amount of time remaining on the terrorist's confinement to be served, if any;

(d) The nature of the offense for which the terrorist was confined;
(e) A recent photograph of the terrorist; and
(f) The fingerprints of the terrorist.
5. Purpose. It shall be the purpose of the division's administrative reviews under this section to determine what terrorists are or will be living, working, or attending educational institutions, in New York state, and whether, pursuant to the provisions of this article, such terrorists should be added to the New York state terrorist registry.
6. Communication with other entities. (a) In conducting its administrative reviews, pursuant to this section, to determine what terrorists are or will be living, working, or attending educational institutions in New York state, the division shall communicate with the following state entities:
(i) The department;
(ii) The division of parole;
(iii) The office of probation and correctional alternatives;
(iv) The department of health;
(v) The department of education;
(vi) The office of court administration, and any court of the unified court system;
(vii) The division of state police;
(viii) The division of homeland security and emergency services; and/or
(ix) Any other state or local entity the division deems appropriate.
(b) In further conducting its administrative reviews, pursuant to this section, to determine what terrorists are or will be living, working, or attending educational institutions, in New York state, the division shall also communicate with the following federal, interstate or international entities:
(i) The federal bureau of prisons;
(ii) The United State department of defense, and its armed services branches;
(iii) The United State department of state;
(iv) The United States department of justice;
(v) The United States department of homeland security;
(vi) The central intelligence agency;
(vii) The office of the director of national intelligence;
(viii) The International Criminal Police Organization (INTERPOL); and
(ix) Any other federal, interstate, or international entity the division deems appropriate.
7. Grounds to add a terrorist to the registry. Upon the administrative review performed in accordance with subdivision one of this section, the division shall make a determination whether a person should be added to the terrorist registry. A determination to add a person to the terrorist registry must be made upon a finding that such person identified in the administrative review is a terrorist, as defined by subdivision one of section one hundred sixty-nine-b of this article, and that such person currently is, or will be in the next ninety days, living, working or attending an educational institution in New York state. Upon such a finding and determination, the division shall provide such person with notice that they have been determined to be added to the New York state terrorist registry, and shall further provide such person with a registration packet, in accordance with section one hundred sixty-nine-e of this article as follows:
(a) If the division determines that the person requiring registration is not presently subject to confinement but is currently, has been, or

will be within the next ninety days, living, working or attending an educational institution within New York state, then the division shall mail the registration packet to the last known residential mailing address of the registrant, or

(b) If the division determines that the person requiring registration is presently in the custody of a confinement entity, or is subject to community supervision or probation, and is scheduled for a conditional release or any other discharge in New York state, then the division shall mail the registration packet to the warden, administrator or supervising authority of such confinement entity at which the registrant is housed, or to the parole officer of the registrant, or

(c) If the division determines that the person requiring registration is presently in the custody of a confinement entity, or is subject to community supervision or probation, and is scheduled for a conditional release or any other discharge outside of New York state and such registrant has evidenced any intention to live, work or attend an educational institution in New York state, then the division shall mail the registration packet to the warden, administrator or supervising authority of such confinement entity at which the registrant is housed, or to the parole officer of the registrant.

8. Court application to add a person to the registry. Upon administrative review in accordance with this section, and upon a finding that a person identified in an administrative review may not have committed a terrorist offense as defined in subdivision two of section one hundred sixty-nine-b of this article, or a verifiable act of terrorism, as defined in subdivision three of section one hundred sixty-nine-b of this article, but in the joint determination of the division and the division of homeland security and emergency services, that such person nonetheless still presents a serious and immediate risk of performing, promoting, supporting and/or facilitating a terrorist act against the people and/or property of the state of New York, then the division may make an application to a supreme court, in accordance with section one hundred sixty-nine-i of this article, to add such person to the New York state terrorist registry, and if such court issues the certification, then the division shall add such person to the registry, and provide such person with notification in accordance with section one hundred sixty-nine-e of this article.

9. Addition to the registry by court order. Where a court of the unified court system in New York, issues a certification to add a person to the New York state terrorist registry, in accordance with section one hundred sixty-nine-i of this article, then the division shall add such person to the registry, and provide such person with notification in accordance with section one hundred sixty-nine-e of this article.

10. Removal from the registry by court order. Where the supreme court in the county where a registrant resides, or the supreme court of Albany county where a person does not reside in New York state, issues a decision and/or order to remove a person from the New York state terrorist registry, in accordance with section one hundred sixty-nine-i of this article, then the division shall remove such person from the registry, and provide such person with notification of their removal from the registry, but the division may appeal such decision and/or order, and such removal shall not be performed by the division until the final appeal is decided in favor of the person seeking removal from the registry.

§ 169-g. Initial assembly of the registry. The division, within sixty days of the effective date of this article, shall commence administra-

tive reviews and make determinations, in accordance with section one hundred sixty-nine-f of this article, to determine what persons shall be initially added to the registry. Upon such a finding and determination, the division shall provide all persons with notice that the division has determined to have added them to the New York state terrorist registry, and the division shall further provide all such persons with a registration packet, in accordance with section one hundred sixty-nine-e of this article. The division, upon receiving the completed registration packet from the registrant, or sixty days after the division provided the registration packet to the registrant, whichever is sooner, shall add the registrant to the New York state terrorist registry.

§ 169-h. Registration and verification of terrorists. 1. Duty and obligation to register and verify. Any person determined to be added to the New York state terrorist registry by the division, in accordance with section one hundred sixty-nine-f of this article, shall be required, and have the duty and obligation to register and verify, and shall further be required and have the duty and obligation to provide the required registration and quarterly verification information, in accordance with this article.

2. Specific duties and obligations. Any person to be added to the New York state terrorist registry by the division shall be required, and shall have the duty and obligation to:

(a) Register under this article;

(b) Provide the division with a completed, signed, standardized registration form, containing all the required registration information in accordance with section one hundred sixty-nine-d of this article, within the times, and pursuant to the means of delivery, required by this article;

(c) Unless such terrorist has had their initial photograph previously taken, in accordance with subdivisions three and five of section one hundred sixty-nine-j of this article, or in accordance with subdivisions three and five of section one hundred sixty-nine-k of this article, appear to, and be photographed by, the specified law enforcement agency having jurisdiction, within the times, and at the locations, required pursuant to this article;

(d) Unless such terrorist has previously had their fingerprints collected, in accordance with subdivisions three and five of section one hundred sixty-nine-j of this article, or in accordance with subdivisions three and five of section one hundred sixty-nine-k of this article, appear to, and be fingerprinted by, the specified law enforcement agency having jurisdiction, within the times, and at the locations, required pursuant to this article;

(e) Unless such terrorist has previously had their DNA sample collected, in accordance with subdivisions three and five of section one hundred sixty-nine-j of this article, or in accordance with subdivisions three and five of section one hundred sixty-nine-k of this article, appear to, and submit to a DNA sample taken by the specified law enforcement agency having jurisdiction, within the times, and at the locations, required pursuant to this article; and

(f) Provide the division with any other and further registration information required by this article.

3. Continuing duties and obligations. Any terrorist added to the New York state terrorist registry by the division shall further be required, and shall have the continuing duty to:

(a) Verify under this article;

(b) Provide the division with a completed, signed, standard verification form, containing all the required verification information in accordance with section one hundred sixty-nine-d of this article, within the times, and pursuant to the means of delivery, required by this article;

(c) Appear to, and be annually photographed by, the specified law enforcement agency having jurisdiction, within the times, and at the locations, required pursuant to this article; and

(d) Provide the division with any other and further verification information required by this article.

4. Discontinued duties and obligations. The duty to register and/or verify under the provisions of this article shall not be applicable to any person whose conviction was reversed upon appeal or who was pardoned by the governor or the president for the offense which was the reason the division added such person to the New York state terrorist registry but in no event shall a pardon by the president of the United States of a person who was detained by the United States at the federal incarceration facilities at Guantanamo Bay, Cuba, be grounds alone for the removal of a person from the terrorist registry, and in the event such a person, who was so detained at such facility, receives such a pardon from the president of the United States, the division shall make a joint determination with the division of homeland security and emergency services, as to whether or not such person shall be removed from the registry.

5. Change of address. Any terrorist added to the New York state terrorist registry shall, in addition to any other information required by this article, register his or her current residential address, and the address of his or her place of employment and educational institution attended, with the division, and shall notify the division of any change of residence, employment or educational institution address in accordance with the provisions of this article.

§ 169-i. Duties of the court. 1. Certification of a registrant. (a) Upon conviction of any of the offenses set forth in article four hundred ninety of the penal law, the court shall certify that the person is a registrant, and shall include the certification in the order of commitment, if any, and judgment of conviction, and shall additionally direct the division to add such person, so convicted, to the New York state terrorist registry.

(b) If the person certified as the registrant pursuant to paragraph (a) of this section is present in court, then the court shall advise such person of his or her duties and obligations under this article, but in the event of his or her absence from court, the court shall direct the division to mail such terrorist a registration packet in accordance with the provisions of section one hundred sixty-nine-e of this article.

(c) Any failure of the court to include the certification in the order of commitment or the judgment of conviction shall not relieve a terrorist of the duties and obligations imposed by this article, nor shall it prohibit the division from adding such person to the New York state terrorist registry in accordance with the provisions of this article.

(d) Any person who a court certifies as a registrant, who is released on probation or discharged upon payment of a fine, conditional discharge or unconditional discharge, shall, prior to such release or discharge, be informed of his or her duty and obligation to register under this article by the court in which he or she was convicted, and at the time sentence is imposed, such terrorist shall register with the division on

the standardized registration form prepared by the division in accordance with this article as follows:

(i) The court shall require the terrorist to read and complete the standardized registration form, sign the same in the presence of the court, and submit such completed document back to the court;

(ii) Upon completion of the standardized registration form, the court shall give one copy of such form to the terrorist, and shall direct the immediate transmission of the original completed and signed standardized registration form to the division, which shall, upon receipt of such form, add such person to the registry and forward the information collected to the law enforcement agencies having jurisdiction, in accordance with this article;

(iii) The court shall further notify the terrorist that within five calendar days, such terrorist shall appear before the law enforcement agency having jurisdiction, or the office of probation and correctional alternatives, to provide fingerprints, an initial photograph and a DNA sample; and

(iv) From the completed standardized registration form, the court shall place upon the record the fact that the terrorist shall be added to the New York state terrorist registry, and the address where the terrorist will be deemed to reside upon his or her release.

(e) Any person who a court certifies as a registrant, who is not present in the court at the time of the issuance of order providing for such certification, shall be added by the division to the New York state terrorist registry, and shall register with the division, and provide all required information, together with the DNA sample, fingerprints and initial photograph, in accordance with the provisions and timelines of section one hundred sixty-nine-e of this article.

2. Application to add a person to the registry. (a) Court Order. In accordance with subdivision eight of section one hundred sixty-nine-f of this article, the division, after its administrative review, may petition the supreme court, on notice to the person who is the subject of the identification by such administrative review, by mailing a copy of the petition to the last known address of such person, for a certification that such person that is the subject of such identification by such administrative review, and that in the joint determination of the division and the division of homeland security and emergency services, that such person presents a serious and immediate risk of performing, promoting, supporting and/or facilitating a terrorist act against the people and/or property of the state of New York, and that a certification should be issued to add such person to the New York state terrorist registry. If the court issues the certification requested under this subdivision, then the division shall add such person to the New York state terrorist registry, and provide such person with notification in accordance with section one hundred sixty-nine-e of this article.

(b) Appeals. The division may appeal any decision and/or order where the court denies a certification sought under this subdivision and fails to direct the division to add the person who is the subject of the application to the New York state terrorist registry. An appeal of such denial shall go, as of right, to the court of appeals, which shall hear such appeal within ninety days of the issuance of the decision or the entry of the order denying the certification sought by the division in accordance with this subdivision, whichever is earlier. Any person whom the court directs shall have their name added to the registry may also appeal such decision and/or order. An appeal of such decision and/or

order adding such person to the registry by the person whose name would be so added shall go, as of right, to the appellate division in the department in which such person so resides, or if such person does not reside in New York state, to the appellate division of the third department, which such appellate division shall hear such appeal within ninety days of the issuance of the decision or the entry of the order issuing the certification sought in accordance with this section, whichever is earlier.

3. Application to remove a person from the registry. Any person added by the division to the New York state terrorist registry may seek an order of the supreme court in the county where such registrant resides, or the supreme court of the county of Albany if such registrant does not reside in the state of New York, to have their name and information removed from the registry as follows:

(a) Grounds for order of removal. That in order to issue an order to remove the registrant and their information from the New York state terrorist registry, the court must find considerable grounds that:

(i) the nature and circumstances of the offense or incident causing the person to be defined as a terrorist does not merit the person's name and information being added to the registry;

(ii) the history and character of such person does not merit the person's name and information being added to the registry;

(iii) the division, in adding such person's name to the registry acted in an arbitrary and capricious manner, failed to comply with the provisions of this article and/or the past actions and current behavior of the registrant does not merit his or her registration for any reason; and

(iv) the court is of the opinion that such registration would be unduly harsh and amount to an inappropriate miscarriage of justice.

(b) Removal of person from the registry. That where the supreme court finds the considerable grounds required in paragraph (a) of this subdivision, and issues an order to remove a person from the New York state terrorist registry, the division shall, in accordance with this paragraph and paragraph (c) of this subdivision, remove such person from the registry, and provide such person with notification of their removal from the registry.

(c) Appeals. The division may appeal any decision and/or order where the court directs the division to remove a person from the New York state terrorist registry. An appeal of such decision and/or order shall go, as of right, to the court of appeals which shall hear such appeal within ninety days of the issuance of the decision or the entry of the order directing the division to remove such person from the registry, whichever is earlier. Where the division appeals an order to remove a person from the New York state terrorist registry, such removal shall not be performed by the division until the final appeal is decided in favor of the person seeking such removal. Any person to whom the court denies a petition to have their name removed from the New York state terrorist registry may also appeal such decision and/or order. An appeal of such decision and/or order denying the petition to remove such person from the registry by the person seeking to have their name removed shall go, as of right, to the appellate division in the department in which such person so resides, or if such person does not reside in New York state, to the appellate division of the third department, which such appellate division shall hear such appeal within ninety days of the issuance of the decision or entry of the order denying the petition sought in accordance with this section, whichever is earlier.

§ 169-j. Responsibilities of a confinement entity prior to discharge of a terrorist. 1. Notification of the division. For every terrorist, as defined in subdivision one of section one hundred sixty-nine-b of this article, within its custody, the confinement entity, as defined in subdivision fourteen of section one hundred sixty-nine-b of this article, shall notify the division, in a form and manner provided for by the division, of certain information on such terrorist, including, but not limited to, the terrorist's name, the address of the terrorist prior to confinement, the expected length of confinement of the terrorist, and the date of expected release of the terrorist from the facility maintained by the confinement entity. The notification required by this subdivision shall take place within thirty days of the effective date of this article, or if the confinement entity takes custody of such terrorist after the effective date of this article, then such notice shall take place within thirty days of the commencement of the date of such custody of such terrorist.

2. Notification of duty and obligation to register. For every terrorist, as defined in subdivision one of section one hundred sixty-nine-b of this article, within its custody, the confinement entity, as defined in subdivision fourteen of section one hundred sixty-nine-b of this article, shall inform such terrorist of their duty and obligation to register under this article. Such notification shall be in a form and manner provided by the division. The failure of the terrorist to receive such notice shall not relieve the the terrorist of any duty and/or obligation under this article. The notification required by this subdivision shall take place not less than sixty calendar days prior to the release, discharge, parole, release to post-release supervision or any other release, of the terrorist, from the custody of the confinement entity, but in the event the confinement entity is unable to notify the terrorist at least sixty days prior to such release, discharge, parole, release to post-release supervision or any other release, as required by this subdivision, the confinement entity shall provide an emergency notification to the terrorist, in a form and manner by the division.

3. Registration at the facility. Immediately after providing the terrorist with the notification required pursuant to subdivision two of this section, the confinement entity shall present every terrorist in their custody who has not previously registered with the New York state terrorist registry with a registration packet as defined in subdivision one of section one hundred sixty-nine-e of this article, as provided by the division, and shall further arrange to have such packet read and explained to the terrorist, and after such reading and explanation, shall additionally require the terrorist to:

(a) Complete and sign the standardized registration form contained within such registration packet;

(b) Present himself or herself for the taking of an initial registration photograph;

(c) Present himself or herself for the taking of a complete set of fingerprints; and

(d) Present himself or herself for the taking of a DNA sample.

4. Failure of a terrorist to register. No confinement entity shall release, discharge, parole, release to post-release supervision, or provide any other release for any terrorist required to register under this article, who has not previously registered with the New York state terrorist registry, without first obtaining a completed and signed standardized registration form, an initial photograph, a complete set of

fingerprints, and a DNA sample from such terrorist pursuant to subdivision three of this section.

5. Satisfaction of duty to initially appear before law enforcement agency having jurisdiction. The collection by the confinement entity of the initial photograph, the complete set of fingerprints, and the DNA sample from the terrorist in accordance with subdivision three of this section, shall relieve the terrorist from their duty to initially appear before the law enforcement agency having jurisdiction for the collection of the initial photograph, the complete set of fingerprints, and the DNA sample, but shall not relieve such terrorist from their duty to pay, within fifteen days of release from the confinement entity, the one hundred dollar fee required pursuant to section one hundred sixty-nine-p of this article, or the duty to appear before such law enforcement agency having jurisdiction for the purpose of providing a change of address form, or the duty to appear or re-appear before such law enforcement agency having jurisdiction for the purpose of providing an annual update to the terrorist's initial photograph.

6. Recording of address. Upon the completion of the standardized registration form by the terrorist, the confinement entity shall immediately record from such standardized registration form, the address where the terrorist expects to reside upon his or her discharge, parole, release to post-release supervision or any other release, and shall keep and maintain a record of such address.

7. Transmission of the standardized registration form. Upon the completion of the standardized registration form by the terrorist in accordance with subdivision three of this section, the confinement entity shall immediately give one copy of the completed and signed standardized registration form to the terrorist, maintain one copy of such completed and signed form for the confinement entity's own records, and shall further immediately transmit to the division, by the means and manner provided by the division, the original completed and signed standardized registration form.

8. Transmission of the registration materials. Upon the collection of the initial photograph, the complete set of fingerprints, and the DNA sample from the terrorist in accordance with subdivision three of this section, the confinement entity shall immediately transmit to the division the initial photograph, the complete set of fingerprints, and the DNA sample, by the means and manner provided by the division.

9. Conviction data and personal information. At any time after the effective date of this article, the division may request, and the confinement entity shall then immediately provide and transmit to the division, any and all the conviction data and personal information of any terrorist, as defined in subdivision one of section one hundred sixty-nine-b of this article, within the custody of the confinement entity.

10. Sharing of conviction data and personal information. Upon receipt of the conviction data and personal information of the terrorist in accordance with subdivision nine of this section, the division shall immediately transmit such conviction data and personal information to the division of homeland security and emergency services, the federal bureau of investigation, and the United States department of homeland security.

§ 169-k. Responsibilities during community supervision or probation. 1. Notification of the division. For every terrorist, as defined in subdivision one of section one hundred sixty-nine-b of this article, on community supervision or probation, the department or office of

probation and correctional alternatives shall notify the division, in a form and manner provided for by the division, of certain information on such terrorist, including, but not limited to, the terrorist's name, the address of the terrorist prior to the community supervision or probation, the current address of the terrorist, the expected length of community supervision or probation of the terrorist, and the date of expected release of the terrorist from the community supervision or probation. The notification required by this subdivision shall take place within thirty days of the effective date of this article, or if the terrorist commences community supervision or probation after the effective date of this article, then such notice shall take place within thirty days of the commencement of the date of such community supervision or probation.

2. Notification of duty and obligation to register. For every terrorist, as defined in subdivision one of section one hundred sixty-nine-b of this article, on community supervision or probation, the department or office of probation and correctional alternatives shall inform such terrorist of their duty and obligation to register under this article. Such notification shall be in a form and manner provided by the division. The failure of the terrorist to receive such notice shall not relieve the terrorist of any duty and/or obligation under this article. The notification required by this subdivision shall take place not less than thirty calendar days after the effective date of this article, but in the event the department or office of probation and correctional alternatives is unable to notify the terrorist as required by this subdivision, the department or office of probation and correctional alternatives shall provide an emergency notification to the terrorist, in a form and manner provided by the division.

3. Registration by the department or office of probation and correctional alternatives. Immediately after providing the terrorist with the notification required pursuant to subdivision two of this section, the department or office of probation and correctional alternatives shall present every terrorist, as defined in subdivision one of section one hundred sixty-nine-b of this article, on community supervision or probation, who has not previously registered with the New York state terrorist registry, with a registration packet, as defined in subdivision one of section one hundred sixty-nine-e of this article, as provided by the division, and shall further arrange to have such packet read and explained to the terrorist, and after such reading and explanation, shall additionally require the terrorist to:

(a) Complete and sign the standardized registration form contained within such registration packet;

(b) Present himself or herself for the taking of an initial registration photograph;

(c) Present himself or herself for the taking of a complete set of fingerprints; and

(d) Present himself or herself for the taking of a DNA sample.

4. Failure of a terrorist to register. Neither the department nor the office of probation and correctional alternatives shall release or discharge from probation or community supervision any terrorist required to register under this article who has not previously registered with the New York state terrorist registry, without first obtaining a completed and signed standardized registration form, an initial photograph, a complete set of fingerprints, and a DNA sample, from such terrorist pursuant to subdivision three of this section.

5. Satisfaction of duty to initially appear before law enforcement agency having jurisdiction. The collection by the department or the office of probation and correctional alternatives, of the initial photograph, the complete set of fingerprints, and the DNA sample, from the terrorist, in accordance with subdivision three of this section, shall relieve the terrorist from their duty to initially appear before the law enforcement agency having jurisdiction, for the collection of the initial photograph, the complete set of fingerprints, and the DNA sample, but shall not relieve such terrorist from their duty to pay, within fifteen days of release from probation or community supervision, the one hundred dollar fee required pursuant to section one hundred sixty-nine-p of this article, or the duty to appear before such law enforcement agency having jurisdiction for the purpose of providing a change of address form, or the duty to appear or re-appear before such law enforcement agency having jurisdiction for the purpose of providing an annual update to the terrorist's initial photograph.

6. Recording of address. Upon the completion of the standardized registration form by the terrorist, the department or the office of probation and correctional alternatives shall immediately record from such standardized registration form, the address where the terrorist expects to reside upon his or her release or discharge from community supervision or probation, and shall keep and maintain a record of such address.

7. Transmission of the standardized registration form. Upon the completion of the standardized registration form by the terrorist, in accordance with subdivision three of this section, the department or the office of probation and correctional alternatives shall immediately give one copy of the completed and signed standardized registration form to the terrorist, maintain one copy of such completed and signed form for the confinement entity's own records, and shall further immediately transmit to the division, by the means and manner provided by the division, the original completed and signed standardized registration form.

8. Transmission of the registration materials. Upon the collection of the initial photograph, the complete set of fingerprints, and the DNA sample, from the terrorist, in accordance with subdivision three of this section, the department or the office of probation and correctional alternatives shall immediately transmit to the division, the initial photograph, the complete set of fingerprints, and the DNA sample, by the means and manner provided by the division.

9. Conviction data and personal information. At any time after the effective date of this article, the division may request, and the department or the office of probation and correctional alternatives shall then immediately provide and transmit to the division, any and all the conviction data and personal information of any terrorist, as defined in subdivision one of section one hundred sixty-nine-b of this article, on community supervision or probation.

10. Sharing of conviction data and personal information. Upon receipt of the conviction data and personal information of the terrorist, in accordance with subdivision nine of this section, the division shall immediately transmit such conviction data and personal information to the division of homeland security and emergency services, the federal bureau of investigation, and the United State department of homeland security.

§ 169-l. Duration of registration and verification. The duration of registration of a terrorist added to the New York state terrorist regis-

try shall be for life, and the duty and obligation to provide verification by such terrorist shall be quarterly for life.

§ 169-m. Notification of change of address. 1. Duty and obligation to notify division of change of address. In accordance with subdivision five of section one hundred sixty-nine-h of this article, any terrorist added to the New York state terrorist registry who is a resident of New York state shall, in addition to any other information required by this article, register his or her current residential address and the address of his or her place of employment and educational institution attended with the division, and shall notify the division of any change in the registrant's place of living, employment and educational institution in accordance with the provisions of this article.

2. Notification of local law enforcement. Upon receipt of a change of address by a terrorist required to register under this article, in accordance with subdivision one of this section, the division shall immediately notify the local law enforcement agency having jurisdiction of the new place of living, place of employment and place of educational institution attended, and the local law enforcement agency having jurisdiction where the terrorist last lived, worked and attended an educational institution, of such change of address.

3. Requirements of local law enforcement. Upon receipt of the change of address information from the division, sent to the law enforcement agency having jurisdiction, in accordance with subdivision two of this section, the local law enforcement agency having jurisdiction shall adhere to all the provisions and requirements set forth in this article.

4. Notification of other jurisdictions. The division shall, if the terrorist changes his or her residence to another state or nation, notify the appropriate agency within that state or nation of the new place of residence.

§ 169-n. Registry information sharing. 1. Sharing of information with New York and federal entities. The division, pursuant to this section, is authorized to share the New York state terrorist registry, and all of its information contained therein, with the division of homeland security and emergency services, the division of state police, the department, any court of the unified court system, the New York city police department, the United States department of homeland security, the United States department of justice, the United States department of state, the office of the director of national intelligence, the United States central intelligence agency, and any local, state, national and international law enforcement entity, and/or any other entity that the division deems appropriate to advance the purposes of this article. For the purposes of this section, the sharing of information shall include the provision of information from the New York state terrorist registry to the entities authorized under this section, as well as the receipt and incorporation of information into New York state terrorist registry from the entities authorized under this section.

2. Sharing of information with other registry entities. The division, pursuant to this section, is further authorized to share the New York state terrorist registry, and all of its information contained therein, with any other state, regional or national registry of terrorists, including but not limited to, the terrorist screening database maintained by the federal bureau of investigation's terrorist screening center, and/or any and all other databases maintained by the division of the state police, and/or any and all other databases maintained by any local, state, national and international law enforcement entities, and/or any other entity that maintains a criminal justice or terrorist

database that the division deems appropriate to advance the purposes of this article. For the purposes of this section, the sharing of information shall include the provision of information from the New York state terrorist registry to the entities authorized under this section, as well as the receipt and incorporation of information into New York state terrorist registry from the entities authorized under this section.

3. Review of registry for secure information. The division of homeland security and emergency services, pursuant to this section, in consultation with the division of homeland security and emergency services and the division of state police, shall review the information contained on the New York state terrorist registry, and shall determine whether the disclosure of any particular information contained on the registry may cause a security risk to the people or property of the state of New York. Upon the review made in accordance with this subdivision, and upon a determination that any particular information needs to be deemed secure, the division shall remove such secure information from public accessibility, including exempting such information from the requirements of the posting on the division's website, pursuant to section one hundred sixty-nine-r of this article, or providing of such information through the special telephone number in accordance with section one hundred sixty-nine-q of this article. Any information deemed secure pursuant to this subdivision shall not be subject to the provisions of the New York state freedom of information law pursuant to article six of the public officers law.

4. Secure information shareable. In no event shall a determination made by the division of homeland security and emergency services, that particular information shall be deemed secure, pursuant to subdivision three of this section, prevent the division from sharing such secure information with any entity identified for the registry information sharing pursuant to this section, but the division may place sharing restrictions on such secure information, as determined by the division of homeland security and emergency services, when sharing such secure information with other authorized sharing entities, in accordance with subdivision one and two of this section, could result in the inappropriate disclosure of such secure information.

§ 169-o. DNA and fingerprint custody and analysis. 1. Secure custodial collection. The division, pursuant to this section, shall provide for the secure custodial collection of the DNA sample and fingerprints taken from the terrorist by the law enforcement agency having jurisdiction, the confinement entity, or the department or office of probation and correctional alternatives, in accordance with the provisions of this article. The division shall further develop by regulation, protocols for such secure custodial collection of the DNA sample and fingerprints collected from the terrorist, and shall make available an information packet to explain the secure protocols to all law enforcement agencies having jurisdiction, all confinement entities, the department and the office of probation and correctional alternatives.

2. Secure custodial transfer of DNA. The division, pursuant to this section, shall provide for the secure custodial transfer of the DNA sample collected from the terrorist by the law enforcement agency having jurisdiction, the confinement entity, the department, or the office of probation and correctional alternatives, in accordance with the provisions of this article, to the laboratory maintained by the division of state police, and/or any other approved DNA analysis entity, as contracted with by the division, for the preservation, storage and analysis of such DNA sample.

3. Secure custodial transfer of fingerprints. The division, pursuant to this section, shall provide for the secure custodial transfer of the fingerprints collected from the terrorist by the law enforcement agency having jurisdiction, the confinement entity, the department, or the office of probation and correctional alternatives, in accordance with the provisions of this article, to the laboratory maintained by the division of state police, and/or any other approved fingerprint analysis entity, as contracted with by the division, for the preservation, storage and analysis of such fingerprints.

4. State DNA identification index. The division shall further provide for the subsequent secure custodial transfer of the DNA sample, and/or the analysis produced, to the state DNA identification index, maintained pursuant to section nine hundred ninety-five-c of the executive law.

§ 169-p. Registry and verification fees. 1. Charging of fees. The division, pursuant to this section, shall:

(a) Charge a fee of one hundred dollars for the initial registration of the terrorist;

(b) Charge a fee of ten dollars each time a terrorist registers any change of address; and

(c) Charge a fee of ten dollars each time a terrorist appears to permit the taking of an updated annual photograph.

2. Payment of fees. All fees charged pursuant to this section shall be paid to the division by the terrorist at the time and manner prescribed by the division.

3. Waiver of fees. The division may provide, on a case by case basis, for a waiver of any fee to be charged pursuant to this section, or may further authorize, on a case by case basis, for a delayed or installment payment of a fee to be charged pursuant to this section.

4. Deposit authorization. The state comptroller is hereby authorized to deposit any and all fees collected pursuant to this section into the general fund.

§ 169-q. Special telephone number. 1. Toll free number. The division shall operate a telephone number that members of the public may call free of charge to inquire whether a named individual required to register pursuant to this article is listed on the New York state terrorist registry, and to obtain publicly available registry information with respect to such terrorist.

2. Receipt of, and response to, calls to the special telephone number. Upon the receipt of a call to the special telephone number provided for in this section, the division shall:

(a) Ask the caller for a name of an individual on which the caller would like to obtain information.

(b) Ascertain whether such named individual reasonably appears to be a person listed on the registry, and in deciding whether such named individual reasonably appears to be a person listed on the registry, the division shall require the caller to provide information on any three of the following:

(i) an exact street address, including apartment number, if any, of the terrorist;

(ii) the driver's license number or non-driver's identification card number of the terrorist;

(iii) the date of birth of the terrorist;

(iv) the social security number or taxpayer identification number of the terrorist;

(v) the country of origin of the terrorist;

(vi) the crime of terrorism or verifiable terrorist act committed by the terrorist;
(vii) the hair color or eye color of the terrorist;
(viii) the height, weight, or build of the terrorist;
(ix) any distinctive markings or the ethnicity of the terrorist; and/or
(x) the name and street address of the terrorist's employer.
(c) Upon ascertaining that the named individual reasonably appears to be a person listed on the New York state terrorist registry based upon the information provided from the caller in accordance with paragraph (b) of this subdivision, provide the caller with the following information:
(i) the name of the terrorist;
(ii) the age, physical description and any distinctive markings of the terrorist;
(iii) the exact residential address of the terrorist;
(iv) if the terrorist is employed, the exact address of the terrorist's place of employment;
(v) if the terrorist is a student, the exact address of the educational institution the terrorist is attending; and
(vi) background information on the terrorist, including for each and every terrorist incident involving the terrorist, the terrorist's crime of conviction, verifiable act of terrorism, modus of operation, and any other information the division deems relevant to provide.
(d) Play, before a live operator speaks with the caller, a recorded preamble which shall provide the following notices:
(i) that the caller's telephone number will be recorded;
(ii) that there will be no charge to the caller for use of the special telephone number;
(iii) that the caller shall be required to provide their name and address to the operator and that such shall be maintained in a written record;
(iv) that the caller is required to be not less than eighteen years of age;
(v) that it is illegal to use information obtained through the telephone number to commit a crime against any person registered on the New York state terrorist registry, or to engage in illegal discrimination or harassment against such person;
(vi) that the caller is required to have the identifying information required to be provided in paragraph (b) of this subdivision regarding the individual about whom information is sought in order to achieve a positive identification of that person;
(vii) that the special telephone number is not a crime hotline and that any suspected criminal or terrorist activity should be reported to the local, state or federal authorities; and
(viii) that an information package, which will include a description of the law pertaining to the New York state terrorist registry, is available online on the division's official website, and in writing, by mail, upon request from the division.
3. Misuse of the special telephone number. Whenever there is reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of misuse of the special telephone number, the attorney general, any district attorney or any person aggrieved by the misuse of the number is authorized to bring a civil action in the appropriate court requesting preventive relief, including an application for a permanent or temporary injunction, restraining order or other order

against the person or group of persons responsible for the pattern or practice of misuse, and the foregoing remedies shall be independent of any other remedies or procedures that may be available to an aggrieved party under other provisions of law, and such person or group of persons shall be subject to a fine of not less than five hundred dollars and not more than one thousand dollars.

4. Report of call activity. The division shall, on or before the first of September in each year, file a report with the governor, the temporary president of the senate, the speaker of the state assembly, the chair of the senate standing committee on veterans, homeland security and military affairs, and the chair of the assembly standing committee on governmental operations, on the operation of the telephone number, and such annual report shall include, but not be limited to, all of the following:

(a) The number of calls received;

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

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

(d) A summary of the success of the special telephone number program based upon the above or any other selected factors the division shall deem relevant;

(e) A comparison between the efficacy of the special telephone number, operated pursuant to this section, and the internet directory, operated pursuant to section one hundred sixty-nine-r of this article; and

(f) Recommendations as to how the division might improve the special telephone number and/or the New York state terrorist registry.

5. Secure information. The operators of the special telephone number shall not provide any caller with any information from the New York state terrorist registry that the division has deemed secure in accordance with subdivision three of section one hundred sixty-nine-n of this article.

6. Advertisement of special telephone number. The division shall provide for the advertisement of the special telephone number established pursuant to this section, including but not limited to the posting of such number on its official website, and the official website of the division of homeland security and emergency services.

7. Regulations. The division shall promulgate rules and regulations to implement the provisions of this section.

§ 169-r. Internet directory. 1. Operation of the internet directory. The division shall maintain and operate an internet directory of the New York state terrorist registry which shall:

(a) Include the following information for each terrorist:

(i) the name of the terrorist;

(ii) the age, physical description and any distinctive markings of the terrorist;

(iii) the most recent photograph of the terrorist taken of the terrorist for the registry;

(iv) the exact residential address of the terrorist;

(v) if the terrorist is employed, the exact address of the terrorist's place of employment;

(vi) if the terrorist is a student, the exact address of the educational institution the terrorist is attending; and

(vii) background information on the terrorist, including each and every terrorist incident involving the terrorist, the terrorist's crime

of conviction, verifiable act of terrorism, modus of operation, and any other information the division deems relevant to provide;

(b) Have terrorist listings categorized by county and zip code; and

(c) Be made available at all times on the internet via the division's official homepage, with a link to connect to such directory also appearing on the official homepage of the division of homeland security and emergency services.

2. Automated e-mail notifications. Any person may apply to the division to receive automated e-mail notifications whenever a new or updated registration occurs on the New York state terrorist registry, in the geographic area specified by such person, but unless the applicant is an employee or entity of a state, local or federal government, acting in their official capacity, such e-mail notifications shall be limited to three geographic areas per e-mail account.

3. No charge for the use of the directory. The division shall not charge for access to the internet directory nor for the receipt of e-mail notifications.

4. Misuse of the internet directory. Whenever there is reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of misuse of the internet directory, the attorney general, any district attorney or any person aggrieved by the misuse of the directory is authorized to bring a civil action in the appropriate court requesting preventive relief, including an application for a permanent or temporary injunction, restraining order or other order against the person or group of persons responsible for the pattern or practice of misuse, and the foregoing remedies shall be independent of any other remedies or procedures that may be available to an aggrieved party under other provisions of law, and such person or group of persons shall be subject to a fine of not less than five hundred dollars and not more than one thousand dollars.

5. Secure information. The internet directory shall not provide any user with any information from the New York state terrorist registry that the division has deemed secure, in accordance with subdivision three of section one hundred sixty-nine-n of this article.

6. Advertisement of internet directory. The division shall provide for the advertisement of the internet directory established pursuant to this section, including but not limited to the listing of such website address on its recorded message for the special telephone number, and the posting of a link to such internet directory on the official website of the division of homeland security and emergency services.

7. Regulations. The division shall promulgate rules and regulations to implement the provisions of this section.

§ 169-s. Immunity from liability. 1. No official, employee or agency, whether public or private, shall be subject to any civil or criminal liability for damages for any discretionary decision to release relevant and necessary information pursuant to this article, unless it is shown that such official, employee or agency acted with gross negligence or in bad faith. The immunity provided under this section applies to the release of relevant information to other state, local and/or federal employees or officials, or to the general public.

2. Nothing in this section shall be deemed to impose any civil or criminal liability upon or to give rise to a cause of action against any official, employee or agency, whether public or private, for failing to release information as authorized in this article unless it is shown that such official, employee or agency acted with gross negligence or in bad faith.

§ 169-t. Annual report. The division shall, on or before the first of September in each year, file a report with the governor, the temporary president of the senate, the speaker of the state assembly, the chair of the senate standing committee on veterans, homeland security and military affairs, and the chair of the assembly standing committee on governmental operations, detailing the New York state terrorist registry program established by this article, the division's experience concerning compliance with provisions of this article, and the division's experience concerning the effectiveness of this article, together with any recommendations the division may have to further enhance the intent of this article.

§ 169-u. Penalty. Any terrorist required to register, or to provide information or supplemental information, or verification, pursuant to the provisions of this article, or who fails to register or to provide information, or supplemental information, or verification, in the manner and within the time periods provided for in this article, shall be guilty of a class A-I felony, pursuant to section 490.23 of the penal law. Any such failure to register or to provide information, or supplemental information, or verification, pursuant to the provisions of this article, may also be the basis for revocation of parole pursuant to section two hundred fifty-nine-i of the executive law, or the basis for revocation of probation pursuant to article four hundred ten of the criminal procedure law.

§ 169-v. Unauthorized release of information. The unauthorized release of any information contained in the New York state terrorist registry shall be a class B misdemeanor.

§ 169-w. Expenses incurred by governmental entities. 1. Local governments. Any local government, which has incurred any cost for compliance with the provisions of this article, may make an application to the state comptroller for reimbursement of such cost. Application for reimbursement for such cost incurred shall be in the form and manner as required by the state comptroller. The state comptroller shall pay such a local government, which has made an application for a cost, which has been verified by the state comptroller as having been incurred by the local government, from the terrorist registry funds management account, established pursuant to section ninety-seven-aaaa of the state finance law, following appropriation by the legislature and allocation by the director of the budget.

2. State agency. Any state agency, which has incurred any cost for compliance with the provisions of this article, may make an application to the state comptroller and the director of the budget, for an increase in such state agency's budget, in direct relation to such cost so incurred. Application for an increase in such state agency's budget, in direct relation to such cost incurred, shall be in the form and manner as required by the director of the budget and the state comptroller. The state comptroller shall verify whether the cost has been so incurred by the state agency. Any increase in such state agency's budget, as authorized by this subdivision, shall be in direct relation to such cost incurred by such state agency, and shall be charged from the terrorist registry funds management account, established pursuant to section ninety-seven-aaaa of the state finance law, following appropriation by the legislature and allocation by the director of the budget.

3. Notification of the governor and the legislature. Not later than the first day of March, the state comptroller and the director of the budget shall notify the governor, the temporary president of the senate, and the speaker of the assembly, of the fiscal amounts requested in

applications for reimbursement for costs incurred by local governments under this section, and the fiscal amounts of applications for increases in state agencies' budgets under this section, during the previous twelve months, with such notification identifying the local governments and the state agencies that have made such applications.

§ 169-x. Separability. If any section of this article or part thereof shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder or any other section or part thereof.

§ 5. The penal law is amended by adding a new section 490.23 to read as follows:

§ 490.23 Failure to register or verify with the New York state terrorist registry.

A person is guilty of failure to register or verify with the New York state terrorist registry when he or she is required to register or verify with the division of criminal justice services pursuant to article six-D of the correction law, and fails to register as required pursuant to article six-D of the correction law, or fails to provide required information, or supplemental information, or verification as required pursuant to article six-D of the correction law.

Failure to register or verify with the New York state terrorist registry is a class A-I felony.

§ 6. The state finance law is amended by adding a new section 97-aaaa to read as follows:

§ 97-aaaa. Terrorist registry funds management account. 1. There is hereby established in the joint custody of the state comptroller and the commissioner of the department of taxation and finance a fund to be known as the "terrorist registry funds management account".

2. The terrorist registry fund management account shall consist of:

(a) Monies received by the state pursuant to article six-D of the correction law;

(b) Monies received by the state and directed to be paid to the account upon order of any court of:

(i) The unified court system of the state of New York;

(ii) The federal court system of the United States; and/or

(iii) The government of the United States operating under the Uniform Code of Military Justice, and

(c) All other monies, fees, fines, grants, bequests or other monies credited, appropriated or transferred thereto from any other fund or source.

3. Monies of the terrorist registry funds management account, following appropriation by the legislature and allocation by the director of the budget, shall be made available for local governments and state agencies providing services pursuant to article six-D of the correction law.

§ 7. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.