

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 Assem-
bly, do enact as follows:

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

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

5 § 719. Terrorist registry information sharing. 1. Upon request, the
6 division of criminal justice services shall provide any and all informa-
7 tion it obtains, on any terrorist required to be registered pursuant to
8 article six-D of the correction law, to the division of homeland securi-
9 ty and emergency services, and the provision of such information shall
10 be in the form and manner as the division of homeland security and emer-
11 gency services may so request.

12 2. Upon request, the division of criminal justice services shall
13 further regularly supplement the information provided pursuant to subdi-
14 vision one of this section, so as to deliver any new, different or addi-
15 tional information not previously provided to the division of homeland
16 security and emergency services.

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

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

LBD02130-02-7

§ 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.

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

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

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

20 § 169-b. Definitions. As used in this article, the following defi-
21 nitions shall apply:

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

26 2. "Terrorist offense" means any offense:

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

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

31 (c) Set forth in sections 32, 37, 81, 175, 175b, 229, 351, 831, 844
32 (f), 844 (i), 930 (c), 956, 1038, 1114, 1116, 1203, 1362, 1363, 1366,
33 1751, 1992, 1993, 2155, 2280, 2281, 2332, 2332a, 2332b, 2332c, 2332d,
34 2332e, 2332f, 2332g, 2332h, 2339, 2339a, 2339b, 2339c, and/or 2339d of
35 title 18 of the United States Code;

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

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

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

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

45 (a) Convicted by a combat status review tribunal or military commis-
46 sion of any act of terrorism, terrorist activities, or the harboring,
47 support and/or promotion of terrorists of terrorist activities;

48 (b) Convicted by a military or civilian court of competent jurisdic-
49 tion of any act of terrorism, terrorist activities, or the harboring,
50 support and/or promotion of terrorists or terrorist activities;

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

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

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

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

18 5. "Law enforcement agency having jurisdiction" means:

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

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

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

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

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

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

37 7-a. "Division of homeland security and emergency services" means the
38 division of homeland security and emergency services as defined in arti-
39 cle twenty-six of the executive law.

40 7-b. "Division of state police" means the division of state police as
41 defined in article eleven of the executive law.

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

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

49 10. "Local correctional facility" means the local correctional facili-
50 ty as that term is defined in subdivision sixteen of section two of this
51 chapter.

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

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

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

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

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

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

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

22 § 169-b-1. Duties of the registrant. 1. Duty to notify. Any person who
23 has been convicted of any terrorist offense set forth in subdivision two
24 of section one hundred sixty-nine-b of this article, and/or who has
25 engaged in any verifiable act of terrorism pursuant to subdivision three
26 of section one hundred sixty-nine-b of this article, who is living in
27 New York state, working in New York state, or attending an educational
28 institution in New York state, and who has not received a registration
29 packet, as defined in subdivision one of section one hundred
30 sixty-nine-e of this article, shall have a duty to notify the division
31 of their name, address, and telephone number within thirty days of the
32 effective date of this article or within thirty days of the commencement
33 of their living in New York state, working in New York state, or attend-
34 ing an educational institution in New York state, whichever is later.

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

49 § 169-c. Duties of the division. 1. Terrorist registry. The division
50 shall establish and maintain an information file on all terrorists
51 required to register pursuant to the provisions of this article, which
52 shall include all the information set forth in section one hundred
53 sixty-nine-d of this article, and which shall be known as the New York
54 state terrorist registry.

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

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

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

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

14 5. Standardized registration information form, personalized registra-
15 tion information form and standardized registration form. The division
16 shall develop a standardized registration information form, a personal-
17 ized registration information form and a standardized registration form,
18 pursuant to section one hundred sixty-nine-e of this article.

19 6. Standardized verification information form, personalized verifica-
20 tion form and standardized verification form. The division shall develop
21 a standardized verification information form, a personalized verifica-
22 tion form and a standardized verification form, pursuant to section one
23 hundred sixty-nine-e of this article.

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

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

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

36 10. Secure information. The division, pursuant to section one hundred
37 sixty-nine-n of this article, in consultation with the division of home-
38 land security and emergency services and the division of state police,
39 shall review the information contained on the registry, and shall deter-
40 mine whether the disclosure of any particular information contained on
41 the registry may cause a security risk to the people or property of the
42 state of New York, and upon such determination that such particular
43 information needs to be deemed secure, the division shall remove such
44 secure information from public accessibility.

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

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

1 another approved fingerprint analysis entity as contracted with by the
2 division, for the preservation, storage and analysis of such finger-
3 prints.

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

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

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

15 § 169-d. Registration information. The division, pursuant to subdivi-
16 sion one of section one hundred sixty-nine-c of this article, shall
17 establish and maintain an information file on all terrorists required to
18 register pursuant to the provisions of sections one hundred sixty-nine-
19 b-one and one hundred sixty-nine-k of this article, which shall be known
20 as the New York state terrorist registry, and which shall include the
21 following information on each such registrant:

22 1. Personal information, including:

23 (a) The terrorist's name;

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

25 (c) The date of birth of the terrorist;

26 (d) The sex of the terrorist;

27 (e) The race of the terrorist;

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

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

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

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

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

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

39 (l) Any and all internet accounts with internet service/access provid-
40 ers belonging to such terrorist;

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

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

47 2. Forensic information, including:

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

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

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

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

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

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

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

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

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

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

26 4. Employment information of the terrorist, including:

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

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

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

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

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

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

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

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

42 5. Supplemental and verification information of the terrorist, includ-
43 ing:

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

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

47 § 169-e. Registrant notification; standardized registration and
48 verification forms. 1. Registration packet. The division shall create a
49 non-forwardable registration packet, which shall consist of a standard-
50 ized registration information form, a personalized registration informa-
51 tion form, and a standardized registration form.

52 2. Standardized registration information form. The division shall
53 create a standardized registration information form, in clear and
54 concise language, with the purpose of providing information to every
55 terrorist, required to register with the New York state terrorist regis-
56 try, on the following:

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

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

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

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

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

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

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

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

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

41 6. Standardized verification information form. The division shall
42 create a standardized verification information form, in clear and
43 concise language, with the purpose of providing information to every
44 terrorist, required to register with the New York state terrorist regis-
45 try, on the following:

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

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

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

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

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

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

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

14 7. Personalized verification information form. The division shall
15 create a personalized verification information form, in clear and
16 concise language, with the purpose of providing information to every
17 terrorist required to register with the New York state terrorist regis-
18 try with detailed directions and information as to where the registrant
19 must appear before the law enforcement agency having jurisdiction, which
20 shall specify the address, telephone number and designated contact
21 person of such law enforcement agency. Such personal verification infor-
22 mation form shall further indicate the date by which the registrant must
23 appear before the law enforcement agency having jurisdiction to provide
24 such updated photograph.

25 8. Standardized verification form. The division shall create a stand-
26 ardized verification form, in clear and concise language, with the
27 purpose of collecting the quarterly supplemental and verification infor-
28 mation identified in section one hundred sixty-nine-d of this article,
29 from every terrorist required to register with the New York state
30 terrorist registry.

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

34 (a) The division shall make paper copies of the standardized registra-
35 tion information form, the standardized registration form, the standard-
36 ized verification information form and the standardized verification
37 form available to registrants, attorneys representing registrants, the
38 unified court system, the department, federal, state and local law
39 enforcement, and such other and further individuals and entities as the
40 division deems appropriate;

41 (b) The division shall further post electronic copies of the standard-
42 ized registration information form, the standardized registration form,
43 the standardized verification information form and the standardized
44 verification form, produced in accordance with this section, on the
45 official website of the division, and such electronic forms shall all be
46 in a downloadable format, to allow for the submission of a completed
47 copy of such form or forms to the division, regardless of whether any
48 such form or forms have been provided to, or received by, the regis-
49 trant, or regardless of whether such registrant has in fact received
50 notice of his or her duty and obligation to register as required by this
51 article; and

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

1 the New York state terrorist registry, or for a registrant to complete
2 their verification, including information that would be provided in a
3 personalized registration information form or a personalized verifica-
4 tion information form.

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

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

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

29 13. Purpose of the verification packet. The purpose of the non-for-
30 wardable verification packet, created in accordance with subdivision
31 five of this section, shall be to inform every registrant added to the
32 New York state terrorist registry of such registrant's duty and obli-
33 gation to provide verification as required by this article, and to
34 collect the necessary verification information from such registrant as
35 required by this article.

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

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

43 (a) The mailing required in accordance with the provisions of subdivi-
44 sion twelve of this section shall be completed by the division within
45 ten calendar days of the date on which the division makes a determi-
46 nation pursuant to the administrative review that the registrant to whom
47 the mailing is directed to the New York state terrorist registry;

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

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

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

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

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

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

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

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

44 17. Violations. In the event that a completed standardized registra-
45 tion form or a completed standardized verification form is not returned
46 to the division by a registrant within the timelines required pursuant
47 to subdivision fifteen of this section, the division shall immediately
48 notify the division of state police, the division of homeland security
49 and emergency services, and the United States department of homeland
50 security, whereupon the division of state police shall immediately cause
51 such non-compliant registrant to be arrested and charged with a failure
52 to register in accordance with this article, and pursuant to section
53 490.23 of the penal law.

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

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

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

10 § 169-f. Administrative review of potential registrants. 1. Generally.
11 The division shall make regular administrative reviews to identify
12 terrorists, as defined in subdivision one of section one hundred sixty-
13 nine-b of this article, who are living, working or attending an educa-
14 tional institution in New York state, and upon such identification, the
15 division shall make a determination if such person should be added to
16 the registry pursuant to the provisions of subdivision seven of this
17 section. Upon any such administrative review and determination that a
18 person shall be added to the registry, in accordance with the provisions
19 of this section, the division shall add such person to the registry, and
20 shall notify such person pursuant to section one hundred sixty-nine-e of
21 this article. The division, upon receiving the completed registration
22 packet from the registrant, or sixty days after the division provided
23 the registration packet to the registrant, whichever is sooner, shall
24 add the registrant to the New York state terrorist registry.

25 2. Release notification. In the case of any terrorist, it shall be the
26 duty of the confinement entity in whose custody such terrorist is held,
27 at least sixty calendar days prior to the release of such terrorist from
28 such custody, to notify the division, in a form and manner provided by
29 the division, of the contemplated release or discharge of such terror-
30 ist. The notification provided shall include the address at which such
31 terrorist proposes to reside. If such terrorist changes his or her place
32 of residence while on parole, such notification of the change of resi-
33 dence shall be sent by the terrorist's parole officer within forty-eight
34 hours to the division, on a form and in a manner provided by the divi-
35 sion. In the event that the confinement entity is unable to notify the
36 division of the contemplated release or discharge of such terrorist at
37 least sixty days prior to such release, the confinement entity must
38 provide an emergency notification to the division, in a form and manner
39 provided by the division.

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

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

52 (a) The name and aliases of the terrorist;

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

55 (c) The amount of time remaining on the terrorist's confinement to be
56 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

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

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

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

21 8. Court application to add a person to the registry. Upon administra-
22 tive review in accordance with this section, and upon a finding that a
23 person identified in an administrative review may not have committed a
24 terrorist offense as defined in subdivision two of section one hundred
25 sixty-nine-b of this article, or a verifiable act of terrorism, as
26 defined in subdivision three of section one hundred sixty-nine-b of this
27 article, but in the joint determination of the division and the division
28 of homeland security and emergency services, that such person nonethe-
29 less still presents a serious and immediate risk of performing, promot-
30 ing, supporting and/or facilitating a terrorist act against the people
31 and/or property of the state of New York, then the division may make an
32 application to a supreme court, in accordance with section one hundred
33 sixty-nine-i of this article, to add such person to the New York state
34 terrorist registry, and if such court issues the certification, then the
35 division shall add such person to the registry, and provide such person
36 with notification in accordance with section one hundred sixty-nine-e of
37 this article.

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

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

55 § 169-g. Initial assembly of the registry. The division, within sixty
56 days of the effective date of this article, shall commence administra-

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

12 § 169-h. Registration and verification of terrorists. 1. Duty and
13 obligation to register and verify. Any person determined to be added to
14 the New York state terrorist registry by the division, in accordance
15 with section one hundred sixty-nine-f of this article, shall be
16 required, and have the duty and obligation to register and verify, and
17 shall further be required and have the duty and obligation to provide
18 the required registration and quarterly verification information, in
19 accordance with this article.

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

23 (a) Register under this article;

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

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

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

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

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

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

55 (a) Verify under this article;

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

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

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

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

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

32 § 169-i. Duties of the court. 1. Certification of a registrant. (a)
33 Upon conviction of any of the offenses set forth in article four hundred
34 ninety of the penal law, the court shall certify that the person is a
35 registrant, and shall include the certification in the order of commit-
36 ment, if any, and judgment of conviction, and shall additionally direct
37 the division to add such person, so convicted, to the New York state
38 terrorist registry.

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

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

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

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

2
3 (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;

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6 (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;

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12 (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

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18 (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.

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22 (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.

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29 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.

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47 (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

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

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

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

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

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

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

28 (iv) the court is of the opinion that such registration would be undu-
29 ly harsh and amount to an inappropriate miscarriage of justice.

30 (b) Removal of person from the registry. That where the supreme court
31 finds the considerable grounds required in paragraph (a) of this subdi-
32 vision, and issues an order to remove a person from the New York state
33 terrorist registry, the division shall, in accordance with this para-
34 graph and paragraph (c) of this subdivision, remove such person from the
35 registry, and provide such person with notification of their removal
36 from the registry.

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

1 § 169-j. Responsibilities of a confinement entity prior to discharge
2 of a terrorist. 1. Notification of the division. For every terrorist,
3 as defined in subdivision one of section one hundred sixty-nine-b of
4 this article, within its custody, the confinement entity, as defined in
5 subdivision fourteen of section one hundred sixty-nine-b of this arti-
6 cle, shall notify the division, in a form and manner provided for by the
7 division, of certain information on such terrorist, including, but not
8 limited to, the terrorist's name, the address of the terrorist prior to
9 confinement, the expected length of confinement of the terrorist, and
10 the date of expected release of the terrorist from the facility main-
11 tained by the confinement entity. The notification required by this
12 subdivision shall take place within thirty days of the effective date of
13 this article, or if the confinement entity takes custody of such terror-
14 ist after the effective date of this article, then such notice shall
15 take place within thirty days of the commencement of the date of such
16 custody of such terrorist.

17 2. Notification of duty and obligation to register. For every terror-
18 ist, as defined in subdivision one of section one hundred sixty-nine-b
19 of this article, within its custody, the confinement entity, as defined
20 in subdivision fourteen of section one hundred sixty-nine-b of this
21 article, shall inform such terrorist of their duty and obligation to
22 register under this article. Such notification shall be in a form and
23 manner provided by the division. The failure of the terrorist to receive
24 such notice shall not relieve the the terrorist of any duty and/or obli-
25 gation under this article. The notification required by this subdivision
26 shall take place not less than sixty calendar days prior to the release,
27 discharge, parole, release to post-release supervision or any other
28 release, of the terrorist, from the custody of the confinement entity,
29 but in the event the confinement entity is unable to notify the terror-
30 ist at least sixty days prior to such release, discharge, parole,
31 release to post-release supervision or any other release, as required by
32 this subdivision, the confinement entity shall provide an emergency
33 notification to the terrorist, in a form and manner by the division.

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

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

45 (b) Present himself or herself for the taking of an initial registra-
46 tion photograph;

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

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

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

1 fingerprints, and a DNA sample from such terrorist pursuant to subdivi-
2 sion three of this section.

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

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

24 7. Transmission of the standardized registration form. Upon the
25 completion of the standardized registration form by the terrorist in
26 accordance with subdivision three of this section, the confinement enti-
27 ty shall immediately give one copy of the completed and signed standard-
28 ized registration form to the terrorist, maintain one copy of such
29 completed and signed form for the confinement entity's own records, and
30 shall further immediately transmit to the division, by the means and
31 manner provided by the division, the original completed and signed
32 standardized registration form.

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

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

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

53 § 169-k. Responsibilities during community supervision or probation.

54 1. Notification of the division. For every terrorist, as defined in
55 subdivision one of section one hundred sixty-nine-b of this article, on
56 community supervision or probation, the department or office of

1 probation and correctional alternatives shall notify the division, in a
2 form and manner provided for by the division, of certain information on
3 such terrorist, including, but not limited to, the terrorist's name, the
4 address of the terrorist prior to the community supervision or
5 probation, the current address of the terrorist, the expected length of
6 community supervision or probation of the terrorist, and the date of
7 expected release of the terrorist from the community supervision or
8 probation. The notification required by this subdivision shall take
9 place within thirty days of the effective date of this article, or if
10 the terrorist commences community supervision or probation after the
11 effective date of this article, then such notice shall take place within
12 thirty days of the commencement of the date of such community super-
13 vision or probation.

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

29 3. Registration by the department or office of probation and correc-
30 tional alternatives. Immediately after providing the terrorist with the
31 notification required pursuant to subdivision two of this section, the
32 department or office of probation and correctional alternatives shall
33 present every terrorist, as defined in subdivision one of section one
34 hundred sixty-nine-b of this article, on community supervision or
35 probation, who has not previously registered with the New York state
36 terrorist registry, with a registration packet, as defined in subdivi-
37 sion one of section one hundred sixty-nine-e of this article, as
38 provided by the division, and shall further arrange to have such packet
39 read and explained to the terrorist, and after such reading and explana-
40 tion, shall additionally require the terrorist to:

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

43 (b) Present himself or herself for the taking of an initial registra-
44 tion photograph;

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

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

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

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

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

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

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

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

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

54 § 169-1. Duration of registration and verification. The duration of
55 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

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

7 3. Review of registry for secure information. The division of homeland
8 security and emergency services, pursuant to this section, in consulta-
9 tion with the division of homeland security and emergency services and
10 the division of state police, shall review the information contained on
11 the New York state terrorist registry, and shall determine whether the
12 disclosure of any particular information contained on the registry may
13 cause a security risk to the people or property of the state of New
14 York. Upon the review made in accordance with this subdivision, and upon
15 a determination that any particular information needs to be deemed
16 secure, the division shall remove such secure information from public
17 accessibility, including exempting such information from the require-
18 ments of the posting on the division's website, pursuant to section one
19 hundred sixty-nine-r of this article, or providing of such information
20 through the special telephone number in accordance with section one
21 hundred sixty-nine-q of this article. Any information deemed secure
22 pursuant to this subdivision shall not be subject to the provisions of
23 the New York state freedom of information law pursuant to article six of
24 the public officers law.

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

36 § 169-o. DNA and fingerprint custody and analysis. 1. Secure custodial
37 collection. The division, pursuant to this section, shall provide for
38 the secure custodial collection of the DNA sample and fingerprints taken
39 from the terrorist by the law enforcement agency having jurisdiction,
40 the confinement entity, or the department or office of probation and
41 correctional alternatives, in accordance with the provisions of this
42 article. The division shall further develop by regulation, protocols for
43 such secure custodial collection of the DNA sample and fingerprints
44 collected from the terrorist, and shall make available an information
45 packet to explain the secure protocols to all law enforcement agencies
46 having jurisdiction, all confinement entities, the department and the
47 office of probation and correctional alternatives.

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

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

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

14 § 169-p. Registry and verification fees. 1. Charging of fees. The
15 division, pursuant to this section, shall:

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

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

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

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

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

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

32 § 169-q. Special telephone number. 1. Toll free number. The division
33 shall operate a telephone number that members of the public may call
34 free of charge to inquire whether a named individual required to regis-
35 ter pursuant to this article is listed on the New York state terrorist
36 registry, and to obtain publicly available registry information with
37 respect to such terrorist.

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

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

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

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

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

52 (iii) the date of birth of the terrorist;

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

55 (v) the country of origin of the terrorist;

1 (vi) the crime of terrorism or verifiable terrorist act committed by
2 the terrorist;

3 (vii) the hair color or eye color of the terrorist;

4 (viii) the height, weight, or build of the terrorist;

5 (ix) any distinctive markings or the ethnicity of the terrorist;
6 and/or

7 (x) the name and street address of the terrorist's employer.

8 (c) Upon ascertaining that the named individual reasonably appears to
9 be a person listed on the New York state terrorist registry based upon
10 the information provided from the caller in accordance with paragraph
11 (b) of this subdivision, provide the caller with the following informa-
12 tion:

13 (i) the name of the terrorist;

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

16 (iii) the exact residential address of the terrorist;

17 (iv) if the terrorist is employed, the exact address of the terror-
18 ist's place of employment;

19 (v) if the terrorist is a student, the exact address of the educa-
20 tional institution the terrorist is attending; and

21 (vi) background information on the terrorist, including for each and
22 every terrorist incident involving the terrorist, the terrorist's crime
23 of conviction, verifiable act of terrorism, modus of operation, and any
24 other information the division deems relevant to provide.

25 (d) Play, before a live operator speaks with the caller, a recorded
26 preamble which shall provide the following notices:

27 (i) that the caller's telephone number will be recorded;

28 (ii) that there will be no charge to the caller for use of the special
29 telephone number;

30 (iii) that the caller shall be required to provide their name and
31 address to the operator and that such shall be maintained in a written
32 record;

33 (iv) that the caller is required to be not less than eighteen years of
34 age;

35 (v) that it is illegal to use information obtained through the tele-
36 phone number to commit a crime against any person registered on the New
37 York state terrorist registry, or to engage in illegal discrimination or
38 harassment against such person;

39 (vi) that the caller is required to have the identifying information
40 required to be provided in paragraph (b) of this subdivision regarding
41 the individual about whom information is sought in order to achieve a
42 positive identification of that person;

43 (vii) that the special telephone number is not a crime hotline and
44 that any suspected criminal or terrorist activity should be reported to
45 the local, state or federal authorities; and

46 (viii) that an information package, which will include a description
47 of the law pertaining to the New York state terrorist registry, is
48 available online on the division's official website, and in writing, by
49 mail, upon request from the division.

50 3. Misuse of the special telephone number. Whenever there is reason-
51 able cause to believe that any person or group of persons is engaged in
52 a pattern or practice of misuse of the special telephone number, the
53 attorney general, any district attorney or any person aggrieved by the
54 misuse of the number is authorized to bring a civil action in the appro-
55 priate court requesting preventive relief, including an application for
56 a permanent or temporary injunction, restraining order or other order

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

7 4. Report of call activity. The division shall, on or before the
8 first of September in each year, file a report with the governor, the
9 temporary president of the senate, the speaker of the state assembly,
10 the chair of the senate standing committee on veterans, homeland securi-
11 ty and military affairs, and the chair of the assembly standing commit-
12 tee on governmental operations, on the operation of the telephone
13 number, and such annual report shall include, but not be limited to, all
14 of the following:

15 (a) The number of calls received;

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

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

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

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

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

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

34 6. Advertisement of special telephone number. The division shall
35 provide for the advertisement of the special telephone number estab-
36 lished pursuant to this section, including but not limited to the post-
37 ing of such number on its official website, and the official website of
38 the division of homeland security and emergency services.

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

41 § 169-r. Internet directory. 1. Operation of the internet directory.
42 The division shall maintain and operate an internet directory of the New
43 York state terrorist registry which shall:

44 (a) Include the following information for each terrorist:

45 (i) the name of the terrorist;

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

48 (iii) the most recent photograph of the terrorist taken of the terror-
49 ist for the registry;

50 (iv) the exact residential address of the terrorist;

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

53 (vi) if the terrorist is a student, the exact address of the educa-
54 tional institution the terrorist is attending; and

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

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

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

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

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

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

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

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

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

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

43 § 169-s. Immunity from liability. 1. No official, employee or agency,
44 whether public or private, shall be subject to any civil or criminal
45 liability for damages for any discretionary decision to release relevant
46 and necessary information pursuant to this article, unless it is shown
47 that such official, employee or agency acted with gross negligence or in
48 bad faith. The immunity provided under this section applies to the
49 release of relevant information to other state, local and/or federal
50 employees or officials, or to the general public.

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

1 § 169-t. Annual report. The division shall, on or before the first of
2 September in each year, file a report with the governor, the temporary
3 president of the senate, the speaker of the state assembly, the chair of
4 the senate standing committee on veterans, homeland security and mili-
5 tary affairs, and the chair of the assembly standing committee on
6 governmental operations, detailing the New York state terrorist registry
7 program established by this article, the division's experience concern-
8 ing compliance with provisions of this article, and the division's expe-
9 rience concerning the effectiveness of this article, together with any
10 recommendations the division may have to further enhance the intent of
11 this article.

12 § 169-u. Penalty. Any terrorist required to register, or to provide
13 information or supplemental information, or verification, pursuant to
14 the provisions of this article, or who fails to register or to provide
15 information, or supplemental information, or verification, in the manner
16 and within the time periods provided for in this article, shall be guilty
17 of a class A-I felony, pursuant to section 490.23 of the penal law.
18 Any such failure to register or to provide information, or supplemental
19 information, or verification, pursuant to the provisions of this arti-
20 cle, may also be the basis for revocation of parole pursuant to section
21 two hundred fifty-nine-i of the executive law, or the basis for revoca-
22 tion of probation pursuant to article four hundred ten of the criminal
23 procedure law.

24 § 169-v. Unauthorized release of information. The unauthorized release
25 of any information contained in the New York state terrorist registry
26 shall be a class B misdemeanor.

27 § 169-w. Expenses incurred by governmental entities. 1. Local govern-
28 ments. Any local government, which has incurred any cost for compliance
29 with the provisions of this article, may make an application to the
30 state comptroller for reimbursement of such cost. Application for
31 reimbursement for such cost incurred shall be in the form and manner as
32 required by the state comptroller. The state comptroller shall pay such
33 a local government, which has made an application for a cost, which has
34 been verified by the state comptroller as having been incurred by the
35 local government, from the terrorist registry funds management account,
36 established pursuant to section ninety-seven-aaaa of the state finance
37 law, following appropriation by the legislature and allocation by the
38 director of the budget.

39 2. State agency. Any state agency, which has incurred any cost for
40 compliance with the provisions of this article, may make an application
41 to the state comptroller and the director of the budget, for an increase
42 in such state agency's budget, in direct relation to such cost so
43 incurred. Application for an increase in such state agency's budget, in
44 direct relation to such cost incurred, shall be in the form and manner
45 as required by the director of the budget and the state comptroller. The
46 state comptroller shall verify whether the cost has been so incurred by
47 the state agency. Any increase in such state agency's budget, as author-
48 ized by this subdivision, shall be in direct relation to such cost
49 incurred by such state agency, and shall be charged from the terrorist
50 registry funds management account, established pursuant to section nine-
51 ty-seven-aaaa of the state finance law, following appropriation by the
52 legislature and allocation by the director of the budget.

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

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

6 § 169-x. Separability. If any section of this article or part thereof
7 shall be adjudged by a court of competent jurisdiction to be invalid,
8 such judgment shall not affect, impair or invalidate the remainder or
9 any other section or part thereof.

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

12 § 490.23 Failure to register or verify with the New York state terrorist
13 registry.

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

21 Failure to register or verify with the New York state terrorist regis-
22 try is a class A-I felony.

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

25 § 97-aaaa. Terrorist registry funds management account. 1. There is
26 hereby established in the joint custody of the state comptroller and the
27 commissioner of the department of taxation and finance a fund to be
28 known as the "terrorist registry funds management account".

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

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

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

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

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

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

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

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

46 § 7. This act shall take effect on the first of November next succeed-
47 ing the date on which it shall have become a law.