

# STATE OF NEW YORK

8715--A

2017-2018 Regular Sessions

## IN ASSEMBLY

October 5, 2017

Introduced by M. of A. THIELE -- read once and referred to the Committee on Correction -- recommitted to the Committee on Correction in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to the failure to register or verify under the sex offender registration act or violation of the prohibition of sex offenders working on motor vehicles engaged in retail sales of frozen desserts or other mobile food service establishments

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

1 Section 1. Section 168-w of the correction law, as relettered by chapter  
2 604 of the laws of 2005, is relettered section 168-x and a new  
3 section 168-w is added to read as follows:

4 § 168-w. Prohibition of employment on mobile food service establishments or pushcarts. No person required to maintain registration under  
5 this article shall operate, be employed on or dispense goods for sale at  
6 retail on a mobile food service establishment or pushcart. For purposes  
7 of this section a mobile food service establishment is defined as a  
8 self-contained food service operation, located in a vehicle or a movable  
9 stand, self or otherwise propelled, used to store, prepare, display or  
10 serve food intended for individual portion service. For purposes of this  
11 section a pushcart is defined as a cart or barrow, manually propelled,  
12 used to vend food intended for individual portion service.

14 § 2. Section 168-t of the correction law, as amended by chapter 373 of  
15 the laws of 2007, is amended to read as follows:

16 § 168-t. Penalty. Any sex offender required to register or to verify  
17 pursuant to the provisions of this article who fails to register or  
18 verify in the manner and within the time periods provided for in this  
19 article [~~shall be guilty of a class E felony upon conviction for the~~

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

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1 ~~first offense, and upon conviction for a second or subsequent offense~~  
2 ~~shall be guilty of a class D felony. Any sex offender] or~~ who violates  
3 the provisions of [~~section~~ sections one hundred sixty-eight-v and one  
4 hundred sixty-eight-w of this article shall be guilty of [~~a class A~~  
5 ~~misdemeanor upon conviction for the first offense, and upon conviction~~  
6 ~~for a second or subsequent offense shall be guilty of~~] a class D felony.  
7 Any such failure to register or verify may also be the basis for revoca-  
8 tion of parole pursuant to section two hundred fifty-nine-i of the exec-  
9 utive law or the basis for revocation of probation pursuant to article  
10 four hundred ten of the criminal procedure law.  
11 § 3. This act shall take effect on the thirtieth day after it shall  
12 have become a law.