

STATE OF NEW YORK

3450

2017-2018 Regular Sessions

IN SENATE

January 23, 2017

Introduced by Sens. CROCI, ADDABBO, AKSHAR, AMEDORE, DeFRANCISCO, FUNKE, GALLIVAN, LARKIN, LITTLE, MARCHIONE, MURPHY, O'MARA, ORTT, RANZENHOFER, SEWARD, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Veterans, Homeland Security and Military Affairs

AN ACT to amend the executive law, the correction law, the penal law, and the state finance law, in relation to the establishment of the New York state terrorist registry

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

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

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

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1 such information shall be in the form and manner as the division of
2 criminal justice services shall so request.

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

5 § 233. 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 state police,
9 and the provision of such information shall be in the form and manner as
10 the division of state police may so request.

11 2. Upon request, the division of criminal justice services shall
12 further regularly supplement the information provided pursuant to subdi-
13 vision one of this section, so as to deliver any new, different, or
14 additional information not previously provided to the division of state
15 police.

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

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

25 ARTICLE 6-D

26 TERRORIST REGISTRY

27 Section 169-a. Legislative findings.

28 169-b. Definitions.

29 169-b-1. Duties of the registrant.

30 169-c. Duties of the division.

31 169-d. Registration information.

32 169-e. Registrant notification; standardized registration and
33 verification forms.

34 169-f. Administrative review of potential registrants.

35 169-g. Initial assembly of the registry.

36 169-h. Registration and verification of terrorists.

37 169-i. Duties of the court.

38 169-j. Responsibilities of a confinement entity prior to
39 discharge of a terrorist.

40 169-k. Responsibilities during community supervision or
41 probation.

42 169-l. Duration of registration and verification.

43 169-m. Notification of change of address.

44 169-n. Registry information sharing.

45 169-o. DNA and fingerprint custody and analysis.

46 169-p. Registry and verification fees.

47 169-q. Special telephone number.

48 169-r. Internet directory.

49 169-s. Immunity from liability.

50 169-t. Annual report.

51 169-u. Penalty.

52 169-v. Unauthorized release of information.

53 169-w. Expenses incurred by governmental entities.

54 169-x. Separability.

1 § 169-a. Legislative findings. The legislature finds and determines
2 that terrorism is a serious threat to the public safety of the people of
3 the state of New York.

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

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

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

23 § 169-b. Definitions. As used in this article, the following defi-
24 nitions shall apply:

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

29 2. "Terrorist offense" means any offense:

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

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

34 (c) Set forth in sections 32, 37, 81, 175, 175b, 229, 351, 831, 844
35 (f), 844 (i), 930 (c), 956, 1038, 1114, 1116, 1203, 1362, 1363, 1366,
36 1751, 1992, 1993, 2155, 2280, 2281, 2332, 2332a, 2332b, 2332c, 2332d,
37 2332e, 2332f, 2332g, 2332h, 2339, 2339a, 2339b, 2339c, and/or 2339d of
38 title 18 of the United States Code;

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

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

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

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

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

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

54 (c) Subject to an order of detention by the armed forces of the United
55 States, any other government agency of the United States, or any
56 contractor of the government of the United States that is authorized by

1 the government of the United States to make such detentions, upon a
2 determination that such person was at any time, a foreign enemy comba-
3 tant or an illegal enemy combatant;

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

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

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

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

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

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

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

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

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

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

40 7-a. "Division of homeland security and emergency services" means the
41 division of homeland security and emergency services as defined in arti-
42 cle twenty-six of the executive law.

43 7-b. "Division of state police" means the division of state police as
44 defined in article eleven of the executive law.

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

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

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

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

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

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

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

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

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

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

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

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

52 § 169-c. Duties of the division. 1. Terrorist registry. The division
53 shall establish and maintain an information file on all terrorists
54 required to register pursuant to the provisions of this article, which
55 shall include all the information set forth in section one hundred

1 sixty-nine-d of this article, and which shall be known as the New York
2 state terrorist registry.

3 2. Registrant notification. The division shall notify every terrorist
4 required to be registered under this article, pursuant to the provisions
5 of section one hundred sixty-nine-e of this article, but in no event
6 shall the failure of a terrorist to receive such notice relieve such
7 terrorist from any obligation required by this article.

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

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

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

23 6. Standardized verification information form, personalized verifica-
24 tion form and standardized verification form. The division shall develop
25 a standardized verification information form, a personalized verifica-
26 tion form and a standardized verification form, pursuant to section one
27 hundred sixty-nine-e of this article.

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

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

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

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

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

1 12. Fingerprint custody and analysis. The division, pursuant to
2 section one hundred sixty-nine-o of this article, shall provide for the
3 secure, custodial transfer of the fingerprints collected from the regis-
4 trant, to the laboratory maintained by the division of state police, or
5 another approved fingerprint analysis entity as contracted with by the
6 division, for the preservation, storage and analysis of such finger-
7 prints.

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

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

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

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

26 1. Personal information, including:

27 (a) The terrorist's name;

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

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

30 (d) The sex of the terrorist;

31 (e) The race of the terrorist;

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

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

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

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

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

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

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

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

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

51 2. Forensic information, including:

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

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

1 (c) A DNA sample, collected in accordance with the provisions of this
2 article, with such sample being compliant with testing for the combined
3 DNA index system (CODIS), and with such sample capable of providing a
4 report and analysis of autosomal DNA (atDNA), mitochondrial DNA (mtDNA)
5 and Y-chromosome DNA (Y-DNA), together with any other screening or DNA
6 testing as may be required by the division; and

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

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

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

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

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

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

30 4. Employment information of the terrorist, including:

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

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

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

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

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

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

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

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

46 5. Supplemental and verification information of the terrorist, includ-
47 ing:

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

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

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

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

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

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

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

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

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

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

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

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

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

46 6. Standardized verification information form. The division shall
47 create a standardized verification information form, in clear and
48 concise language, with the purpose of providing information to every
49 terrorist, required to register with the New York state terrorist regis-
50 try, on the following:

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

55 (b) Further duties and obligations of registrants. The standardized
56 verification information form shall also provide information advising

1 the registrant of his or her duties and obligations under this article;
2 and

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

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

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

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

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

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

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

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

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

1 (c) The division shall also maintain a toll free telephone number,
2 which shall be displayed on the official website of the division, to
3 provide, upon request of any person required to register with the New
4 York state terrorist registry, or their representative, all information
5 that is necessary for a registrant to complete their registration with
6 the New York state terrorist registry, or for a registrant to complete
7 their verification, including information that would be provided in a
8 personalized registration information form or a personalized verifica-
9 tion information form.

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

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

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

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

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

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

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

53 (b) The mailing required in accordance with subdivision fourteen of
54 this section shall be completed by the division within seventy-five
55 calendar days of the date on which the registrant to whom the mailing is
56 directed provides the division with all the information required in the

1 standardized registration form, and then again, every ninety days there-
2 after;

3 (c) The registrant, within ten calendar days of the receipt of the
4 registration packet from the division, or within thirty calendar days of
5 the mailing of registration packet by the division, or within five
6 calendar days of downloading the standardized registration form from the
7 division's website, or within five days of being personally notified by
8 the division or its representative, whichever is earlier, shall return a
9 fully executed, signed and completed copy of the standardized registra-
10 tion form to the division, either by means of United States first class
11 mail, or by means of personal delivery to the law enforcement agency
12 having jurisdiction;

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

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

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

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

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

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

1 to register in accordance with this article, and pursuant to section
2 490.23 of the penal law.

3 18. Late filings. The division may by regulation identify certain
4 circumstances when the commissioner may authorize the late submission of
5 a standardized registration form, a standardized verification form, or
6 the late collection of fingerprints, DNA sample, initial photograph or
7 updated photograph, but in no event shall a late submission or late
8 collection be authorized more than ninety days after the registrant, if
9 of legal capacity, received actual notice, of their duty and obligation
10 to submit or have collected such standardized registration form, stand-
11 ardized verification form, fingerprints, DNA sample, initial photograph
12 or updated photograph.

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

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

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

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

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

- 1 (a) The name and aliases of the terrorist;
2 (b) The address at which the terrorist resided at the time of his or
3 her confinement;
4 (c) The amount of time remaining on the terrorist's confinement to be
5 served, if any;
6 (d) The nature of the offense for which the terrorist was confined;
7 (e) A recent photograph of the terrorist; and
8 (f) The fingerprints of the terrorist.

9 5. Purpose. It shall be the purpose of the division's administrative
10 reviews under this section to determine what terrorists are or will be
11 living, working, or attending educational institutions, in New York
12 state, and whether, pursuant to the provisions of this article, such
13 terrorists should be added to the New York state terrorist registry.

14 6. Communication with other entities. (a) In conducting its adminis-
15 trative reviews, pursuant to this section, to determine what terrorists
16 are or will be living, working, or attending educational institutions in
17 New York state, the division shall communicate with the following state
18 entities:

- 19 (i) The department;
20 (ii) The division of parole;
21 (iii) The office of probation and correctional alternatives;
22 (iv) The department of health;
23 (v) The department of education;
24 (vi) The office of court administration, and any court of the unified
25 court system;
26 (vii) The division of state police;
27 (viii) The division of homeland security and emergency services;
28 and/or
29 (ix) Any other state or local entity the division deems appropriate.

30 (b) In further conducting its administrative reviews, pursuant to this
31 section, to determine what terrorists are or will be living, working, or
32 attending educational institutions, in New York state, the division
33 shall also communicate with the following federal, interstate or inter-
34 national entities:

- 35 (i) The federal bureau of prisons;
36 (ii) The United State department of defense, and its armed services
37 branches;
38 (iii) The United State department of state;
39 (iv) The United States department of justice;
40 (v) The United States department of homeland security;
41 (vi) The central intelligence agency;
42 (vii) The office of the director of national intelligence;
43 (viii) The International Criminal Police Organization (INTERPOL); and
44 (ix) Any other federal, interstate, or international entity the divi-
45 sion deems appropriate.

46 7. Grounds to add a terrorist to the registry. Upon the administrative
47 review performed in accordance with subdivision one of this section, the
48 division shall make a determination whether a person should be added to
49 the terrorist registry. A determination to add a person to the terrorist
50 registry must be made upon a finding that such person identified in the
51 administrative review is a terrorist, as defined by subdivision one of
52 section one hundred sixty-nine-b of this article, and that such person
53 currently is, or will be in the next ninety days, living, working or
54 attending an educational institution in New York state. Upon such a
55 finding and determination, the division shall provide such person with
56 notice that they have been determined to be added to the New York state

1 terrorist registry, and shall further provide such person with a registra-
2 tion packet, in accordance with section one hundred sixty-nine-e of
3 this article as follows:

4 (a) If the division determines that the person requiring registration
5 is not presently subject to confinement but is currently, has been, or
6 will be within the next ninety days, living, working or attending an
7 educational institution within New York state, then the division shall
8 mail the registration packet to the last known residential mailing
9 address of the registrant, or

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

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

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

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

49 10. Removal from the registry by court order. Where the supreme court
50 in the county where a registrant resides, or the supreme court of Albany
51 county where a person does not reside in New York state, issues a deci-
52 sion and/or order to remove a person from the New York state terrorist
53 registry, in accordance with section one hundred sixty-nine-i of this
54 article, then the division shall remove such person from the registry,
55 and provide such person with notification of their removal from the
56 registry, but the division may appeal such decision and/or order, and

1 such removal shall not be performed by the division until the final
2 appeal is decided in favor of the person seeking removal from the regis-
3 try.

4 § 169-g. Initial assembly of the registry. The division, within sixty
5 days of the effective date of this article, shall commence administra-
6 tive reviews and make determinations, in accordance with section one
7 hundred sixty-nine-f of this article, to determine what persons shall be
8 initially added to the registry. Upon such a finding and determination,
9 the division shall provide all persons with notice that the division has
10 determined to have added them to the New York state terrorist registry,
11 and the division shall further provide all such persons with a registra-
12 tion packet, in accordance with section one hundred sixty-nine-e of this
13 article. The division, upon receiving the completed registration packet
14 from the registrant, or sixty days after the division provided the
15 registration packet to the registrant, whichever is sooner, shall add
16 the registrant to the New York state terrorist registry.

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

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

28 (a) Register under this article;

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

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

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

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

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

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

4 (a) Verify under this article;

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

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

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

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

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

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

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

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

54 (d) Any person who a court certifies as a registrant, who is released
55 on probation or discharged upon payment of a fine, conditional discharge
56 or unconditional discharge, shall, prior to such release or discharge,

1 be informed of his or her duty and obligation to register under this
2 article by the court in which he or she was convicted, and at the time
3 sentence is imposed, such terrorist shall register with the division on
4 the standardized registration form prepared by the division in accord-
5 ance with this article as follows:

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

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

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

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

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

32 2. Application to add a person to the registry. (a) Court Order. In
33 accordance with subdivision eight of section one hundred sixty-nine-f of
34 this article, the division, after its administrative review, may peti-
35 tion the supreme court, on notice to the person who is the subject of
36 the identification by such administrative review, by mailing a copy of
37 the petition to the last known address of such person, for a certif-
38 ication that such person that is the subject of such identification by
39 such administrative review, and that in the joint determination of the
40 division and the division of homeland security and emergency services,
41 that such person presents a serious and immediate risk of performing,
42 promoting, supporting and/or facilitating a terrorist act against the
43 people and/or property of the state of New York, and that a certif-
44 ication should be issued to add such person to the New York state
45 terrorist registry. If the court issues the certification requested
46 under this subdivision, then the division shall add such person to the
47 New York state terrorist registry, and provide such person with notifi-
48 cation in accordance with section one hundred sixty-nine-e of this arti-
49 cle.

50 (b) Appeals. The division may appeal any decision and/or order where
51 the court denies a certification sought under this subdivision and fails
52 to direct the division to add the person who is the subject of the
53 application to the New York state terrorist registry. An appeal of such
54 denial shall go, as of right, to the court of appeals, which shall hear
55 such appeal within ninety days of the issuance of the decision or the
56 entry of the order denying the certification sought by the division in

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

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

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

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

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

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

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

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

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

1 appellate division shall hear such appeal within ninety days of the
2 issuance of the decision or entry of the order denying the petition
3 sought in accordance with this section, whichever is earlier.

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

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

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

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

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

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

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

53 4. Failure of a terrorist to register. No confinement entity shall
54 release, discharge, parole, release to post-release supervision, or
55 provide any other release for any terrorist required to register under
56 this article, who has not previously registered with the New York state

1 terrorist registry, without first obtaining a completed and signed
2 standardized registration form, an initial photograph, a complete set of
3 fingerprints, and a DNA sample from such terrorist pursuant to subdivi-
4 sion three of this section.

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

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

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

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

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

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

55 § 169-k. Responsibilities during community supervision or probation.

56 1. Notification of the division. For every terrorist, as defined in

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

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

31 3. Registration by the department or office of probation and correc-
32 tional alternatives. Immediately after providing the terrorist with the
33 notification required pursuant to subdivision two of this section, the
34 department or office of probation and correctional alternatives shall
35 present every terrorist, as defined in subdivision one of section one
36 hundred sixty-nine-b of this article, on community supervision or
37 probation, who has not previously registered with the New York state
38 terrorist registry, with a registration packet, as defined in subdivi-
39 sion one of section one hundred sixty-nine-e of this article, as
40 provided by the division, and shall further arrange to have such packet
41 read and explained to the terrorist, and after such reading and explana-
42 tion, 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. Neither the department nor the
51 office of probation and correctional alternatives shall release or
52 discharge from probation or community supervision any terrorist required
53 to register under this article who has not previously registered with
54 the New York state terrorist registry, without first obtaining a
55 completed and signed standardized registration form, an initial photo-

1 graph, a complete set of fingerprints, and a DNA sample, from such
2 terrorist pursuant to subdivision three of this section.

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

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

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

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

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

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

1 § 169-l. Duration of registration and verification. The duration of
2 registration of a terrorist added to the New York state terrorist regis-
3 try shall be for life, and the duty and obligation to provide verifica-
4 tion by such terrorist shall be quarterly for life.

5 § 169-m. Notification of change of address. 1. Duty and obligation to
6 notify division of change of address. In accordance with subdivision
7 five of section one hundred sixty-nine-h of this article, any terrorist
8 added to the New York state terrorist registry who is a resident of New
9 York state shall, in addition to any other information required by this
10 article, register his or her current residential address and the address
11 of his or her place of employment and educational institution attended
12 with the division, and shall notify the division of any change in the
13 registrant's place of living, employment and educational institution in
14 accordance with the provisions of this article.

15 2. Notification of local law enforcement. Upon receipt of a change of
16 address by a terrorist required to register under this article, in
17 accordance with subdivision one of this section, the division shall
18 immediately notify the local law enforcement agency having jurisdiction
19 of the new place of living, place of employment and place of educational
20 institution attended, and the local law enforcement agency having juris-
21 isdiction where the terrorist last lived, worked and attended an educa-
22 tional institution, of such change of address.

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

28 4. Notification of other jurisdictions. The division shall, if the
29 terrorist changes his or her residence to another state or nation, noti-
30 fy the appropriate agency within that state or nation of the new place
31 of residence.

32 § 169-n. Registry information sharing. 1. Sharing of information with
33 New York and federal entities. The division, pursuant to this section,
34 is authorized to share the New York state terrorist registry, and all of
35 its information contained therein, with the division of homeland securi-
36 ty and emergency services, the division of state police, the department,
37 any court of the unified court system, the New York city police depart-
38 ment, the United States department of homeland security, the United
39 States department of justice, the United States department of state, the
40 office of the director of national intelligence, the United States
41 central intelligence agency, and any local, state, national and interna-
42 tional law enforcement entity, and/or any other entity that the division
43 deems appropriate to advance the purposes of this article. For the
44 purposes of this section, the sharing of information shall include the
45 provision of information from the New York state terrorist registry to
46 the entities authorized under this section, as well as the receipt and
47 incorporation of information into New York state terrorist registry from
48 the entities authorized under this section.

49 2. Sharing of information with other registry entities. The division,
50 pursuant to this section, is further authorized to share the New York
51 state terrorist registry, and all of its information contained therein,
52 with any other state, regional or national registry of terrorists,
53 including but not limited to, the terrorist screening database main-
54 tained by the federal bureau of investigation's terrorist screening
55 center, and/or any and all other databases maintained by the division of
56 the state police, and/or any and all other databases maintained by any

1 local, state, national and international law enforcement entities,
2 and/or any other entity that maintains a criminal justice or terrorist
3 database that the division deems appropriate to advance the purposes of
4 this article. For the purposes of this section, the sharing of informa-
5 tion shall include the provision of information from the New York state
6 terrorist registry to the entities authorized under this section, as
7 well as the receipt and incorporation of information into New York state
8 terrorist registry from the entities authorized under this section.

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

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

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

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

1 contracted with by the division, for the preservation, storage and anal-
2 ysis of such DNA sample.

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

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

16 § 169-p. Registry and verification fees. 1. Charging of fees. The
17 division, pursuant to this section, shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 (i) the name of the terrorist;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 (a) The number of calls received;

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

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

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

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

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

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

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

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

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

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

46 (i) the name of the terrorist;

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

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

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

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

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

1 (vii) background information on the terrorist, including each and
2 every terrorist incident involving the terrorist, the terrorist's crime
3 of conviction, verifiable act of terrorism, modus of operation, and any
4 other information the division deems relevant to provide;

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

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

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

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

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

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

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

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

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

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

1 that such official, employee or agency acted with gross negligence or in
2 bad faith.

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

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

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

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

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

55 3. Notification of the governor and the legislature. Not later than
56 the first day of March, the state comptroller and the director of the

1 budget shall notify the governor, the temporary president of the senate,
2 and the speaker of the assembly, of the fiscal amounts requested in
3 applications for reimbursement for costs incurred by local governments
4 under this section, and the fiscal amounts of applications for increases
5 in state agencies' budgets under this section, during the previous
6 twelve months, with such notification identifying the local governments
7 and the state agencies that have made such applications.

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

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

14 § 490.23 Failure to register or verify with the New York state terrorist
15 registry.

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

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

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

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

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

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

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

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

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

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

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

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

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