STATE OF NEW YORK

5321

2017-2018 Regular Sessions

IN SENATE

March 21, 2017

Introduced by Sen. MURPHY -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to prohibiting certain sex offenders from using the internet for certain purposes

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

Section 1. Section 168-t of the correction law, as amended by chapter 373 of the laws of 2007, is amended to read as follows:

§ 168-t. Penalty. Any sex offender required to register or to verify pursuant to the provisions of this article who fails to register or verify in the manner and within the time periods provided for in this article shall be guilty of a class E felony upon conviction for the first offense, and upon conviction for a second or subsequent offense shall be guilty of a class D felony. Any sex offender who violates the provisions of section one hundred sixty-eight-v of this article shall be guilty of a class A misdemeanor upon conviction for the first offense, and upon conviction for a second or subsequent offense shall be guilty of a class D felony. **Any sex offender who violates the provisions of section one hundred sixty-eight-w of this article shall be guilty of a class D felony.** Any such failure to register or verify may also be the basis for revocation of parole pursuant to section two hundred fifty-nine-i of the executive law or the basis for revocation of probation pursuant to article four hundred ten of the criminal procedure law.

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

§ 168-w. Prohibition of certain uses of the internet. 1. A sex offender required to register under this article who has been given a level two or level three designation, or if the victim of the sex offender's offense was under the age of eighteen at the time of such offense, or if

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

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the internet was used to facilitate the commission of the sex offense or sexually violent offense, shall be prohibited from using the internet to access pornographic material, accessing a commercial social networking website, and communicating with other individuals or groups for the purpose of promoting sexual relations with persons under the age of eighteen when such offender is over the age of eighteen, provided that such a sex offender may use the internet to communicate with a person under the age of eighteen who is the minor child of the sex offender and the sex offender is not otherwise prohibited from communicating with such minor child.

2. As used in this section, a "commercial social networking website" shall mean any business, organization or other entity operating a website that permits persons under the age of eighteen years of age to be registered users for the purpose of establishing personal relationships with other users, where such persons under eighteen years of age may: (a) create web pages or profiles that provide information about themselves where such web pages or profiles are available to the public or to other users; (b) engage in direct or real time communication with other users such as a chat room or instant messenger; and (c) communicate with other persons over eighteen years; provided, however, that, for purposes of this section a commercial social networking website shall not include a website that permits others to engage in such other activities as are not enumerated in this subdivision.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law.