

# STATE OF NEW YORK

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5321

2017-2018 Regular Sessions

## IN SENATE

March 21, 2017

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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:

1 Section 1. Section 168-t of the correction law, as amended by chapter  
2 373 of the laws of 2007, is amended to read as follows:

3 § 168-t. Penalty. Any sex offender required to register or to verify  
4 pursuant to the provisions of this article who fails to register or  
5 verify in the manner and within the time periods provided for in this  
6 article shall be guilty of a class E felony upon conviction for the  
7 first offense, and upon conviction for a second or subsequent offense  
8 shall be guilty of a class D felony. Any sex offender who violates the  
9 provisions of section one hundred sixty-eight-v of this article shall be  
10 guilty of a class A misdemeanor upon conviction for the first offense,  
11 and upon conviction for a second or subsequent offense shall be guilty  
12 of a class D felony. Any sex offender who violates the provisions of  
13 section one hundred sixty-eight-w of this article shall be guilty of a  
14 class D felony. Any such failure to register or verify may also be the  
15 basis for revocation of parole pursuant to section two hundred fifty-  
16 nine-i of the executive law or the basis for revocation of probation  
17 pursuant to article four hundred ten of the criminal procedure law.

18 § 2. Section 168-w of the correction law, as relettered by chapter 604  
19 of the laws of 2005, is renumbered section 168-x, and a new section  
20 168-w is added to read as follows:

21 § 168-w. Prohibition of certain uses of the internet. 1. A sex offen-  
22 der required to register under this article who has been given a level  
23 two or level three designation, or if the victim of the sex offender's  
24 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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1 the internet was used to facilitate the commission of the sex offense or  
2 sexually violent offense, shall be prohibited from using the internet to  
3 access pornographic material, accessing a commercial social networking  
4 website, and communicating with other individuals or groups for the  
5 purpose of promoting sexual relations with persons under the age of  
6 eighteen when such offender is over the age of eighteen, provided that  
7 such a sex offender may use the internet to communicate with a person  
8 under the age of eighteen who is the minor child of the sex offender and  
9 the sex offender is not otherwise prohibited from communicating with  
10 such minor child.

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

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