STATE OF NEW YORK

5392

2017-2018 Regular Sessions

IN SENATE

March 24, 2017

Introduced by Sen. SERINO -- (at request of the Division of Criminal Justice Services) -- 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 the definition of sex offender

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

Section 1. Subparagraph (i) of paragraph (a) of subdivision 2 of section 168-a of the correction law, as amended by chapter 368 of the laws of 2015, is amended to read as follows:

(i) a conviction of or a conviction for an attempt to commit any of the provisions of sections 120.70, 130.20, 130.25, 130.30, 130.40, 130.45, 130.60, 230.34, 250.50, 255.25, 255.26 [~~and~~], 255.27 **and subdivision four of section 260.32** or article two hundred sixty-three of the penal law, or section 135.05, 135.10, 135.20 or 135.25 of such law relating to kidnapping offenses, provided the victim of such kidnapping or related offense is less than seventeen years old and the offender is not the parent of the victim, or section 230.04, where the person patronized is in fact less than seventeen years of age, 230.05, 230.06, 230.11, 230.12, 230.13, subdivision two of section 230.30, section 230.32, 230.33, or 230.34 of the penal law, or section 230.25 of the penal law where the person prostituted is in fact less than seventeen years old, or

§ 2. Subparagraphs (ii) and (iii) of paragraph (d) of subdivision 2 of section 168-a of the correction law, subparagraph (ii) as amended by chapter 11 of the laws of 2002 and subparagraph (iii) as amended by chapter 232 of the laws of 2008, are amended and a new subparagraph (iv) is added to read as follows:

(ii) [~~a felony~~] **an offense** in any other jurisdiction for which the offender is required to register as a sex offender in the jurisdiction

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

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in which the conviction occurred or, (iii) any of the provisions of 18 U.S.C. 2251, 18 U.S.C. 2251A, 18 U.S.C. 2252, 18 U.S.C. 2252A, 18 U.S.C. 2260, 18 U.S.C. 2422(b), 18 U.S.C. 2423, or 18 U.S.C. 2425, provided that the elements of such crime of conviction are substantially the same as those which are a part of such offense as of the date on which this subparagraph takes effect[~~.~~] **or, (iv) any offense described in the uniform code of military justice upon the order of a court-martial, authorized by 10 U.S.C. 816, to register as a sex offender; or**

§ 3. This act shall take effect on the ninetieth day after it shall have become a law; provided, however, that the amendments made to subparagraph (i) of paragraph (a) of subdivision 2 of section 168-a of the correction law by section one of this act shall apply to offenses committed on or after such date or, in the case of a person convicted in another jurisdiction, to offenders who have established a residence in this state on or after such date. Provided further that the amendments made to subparagraph (ii) of paragraph (d) of subdivision 2 of section 168-a of the correction law by section two of this act shall apply to offenders who have established a residence in this state on or after such date or, if the court-martial is located within the geographical boundaries of the state of New York, to offenders convicted on or after such date.