

# STATE OF NEW YORK

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3029

2019-2020 Regular Sessions

## IN SENATE

January 31, 2019

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Introduced by Sen. FUNKE -- 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 registration of sex offenders

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

1 Section 1. Subdivision 6 of section 168-b of the correction law, as  
2 amended by chapter 106 of the laws of 2006, is amended to read as  
3 follows:

4 6. The division shall also establish a [~~subdirectory~~] directory pursu-  
5 ant to section one hundred sixty-eight-q of this article.

6 § 2. Paragraphs (a), (b) and (c) of subdivision 6 of section 168-l of  
7 the correction law, paragraph (a) as amended by chapter 106 of the laws  
8 of 2006, paragraph (b) as amended by chapter 513 of the laws of 2011 and  
9 paragraph (c) as separately amended by chapters 318 and 680 of the laws  
10 of 2005, are amended to read as follows:

11 (a) If the risk of repeat offense is low, a level one designation  
12 shall be given to such sex offender. In such case the law enforcement  
13 agency or agencies having jurisdiction and the law enforcement agency or  
14 agencies having had jurisdiction at the time of his or her conviction  
15 shall be notified and may disseminate relevant information which may  
16 include a photograph and description of the offender and which may  
17 include the name of the sex offender, approximate address based on sex  
18 offender's zip code, background information including the offender's  
19 crime of conviction, modus of operation, type of victim targeted, the  
20 name and address of any institution of higher education at which the sex  
21 offender is enrolled, attends, is employed or resides and the  
22 description of special conditions imposed on the offender to any entity  
23 with vulnerable populations related to the nature of the offense commit-  
24 ted by such sex offender. Any entity receiving information on a sex

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

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1 offender may disclose or further disseminate such information at its  
2 discretion. In addition, in each such case, the name of the sex offen-  
3 der, a photograph of the sex offender and approximate address based on  
4 the sex offender's zip code shall also be provided in the directory  
5 established in this article.

6 (b) If the risk of repeat offense is moderate, a level two designation  
7 shall be given to such sex offender. In such case the law enforcement  
8 agency or agencies having jurisdiction and the law enforcement agency or  
9 agencies having had jurisdiction at the time of his or her conviction  
10 shall be notified and may disseminate relevant information which shall  
11 include a photograph and description of the offender and which may  
12 include the exact name and any aliases used by the sex offender, exact  
13 address, background information including the offender's crime of  
14 conviction, mode of operation, type of victim targeted, the name and  
15 address of any institution of higher education at which the sex offender  
16 is enrolled, attends, is employed or resides and the description of  
17 special conditions imposed on the offender to any entity with vulnerable  
18 populations related to the nature of the offense committed by such sex  
19 offender. Any entity receiving information on a sex offender may  
20 disclose or further disseminate such information at its discretion. In  
21 addition, in such case, the information described [~~herein~~] in this para-  
22 graph shall also be provided in the [~~subdirectory~~] directory established  
23 in this article and notwithstanding any other provision of law, such  
24 information shall, upon request, be made available to the public.

25 Such law enforcement agencies shall compile, maintain and update a  
26 listing of vulnerable organizational entities within its jurisdiction.  
27 Such listing shall be utilized for notification of such organizations in  
28 disseminating such information on level two sex offenders pursuant to  
29 this paragraph. Such listing shall include and not be limited to:  
30 superintendents of schools or chief school administrators, superinten-  
31 dents of parks, public and private libraries, public and private school  
32 bus transportation companies, day care centers, nursery schools, pre-  
33 schools, neighborhood watch groups, community centers, civic associ-  
34 ations, nursing homes, victim's advocacy groups and places of worship.

35 (c) If the risk of repeat offense is high and there exists a threat to  
36 the public safety a level three designation shall be given to such sex  
37 offender. In such case, the law enforcement agency or agencies having  
38 jurisdiction and the law enforcement agency or agencies having had  
39 jurisdiction at the time of his or her conviction shall be notified and  
40 may disseminate relevant information which shall include a photograph  
41 and description of the offender and which may include the sex offender's  
42 exact name and any aliases used by the offender, exact address, address  
43 of the offender's place of employment, background information including  
44 the offender's crime of conviction, mode of operation, type of victim  
45 targeted, the name and address of any institution of higher education at  
46 which the sex offender is enrolled, attends, is employed or resides and  
47 the description of special conditions imposed on the offender to any  
48 entity with vulnerable populations related to the nature of the offense  
49 committed by such sex offender. Any entity receiving information on a  
50 sex offender may disclose or further disseminate such information at its  
51 discretion. In addition, in such case, the information described [~~here-~~  
52 ~~in~~] in this paragraph shall also be provided in the [~~subdirectory~~]  
53 directory established in this article and notwithstanding any other  
54 provision of law, such information shall, upon request, be made avail-  
55 able to the public.

Such law enforcement agencies shall compile, maintain and update a listing of vulnerable organizational entities within its jurisdiction. Such listing shall be utilized for notification of such organizations in disseminating such information on level three sex offenders pursuant to this paragraph. Such listing shall include and not be limited to: superintendents of schools or chief school administrators, superintendents of parks, public and private libraries, public and private school bus transportation companies, day care centers, nursery schools, pre-schools, neighborhood watch groups, community centers, civic associations, nursing homes, victim's advocacy groups and places of worship.

§ 3. Section 168-q of the correction law, as added by chapter 192 of the laws of 1995, the section heading as amended by chapter 106 of the laws of 2006, subdivision 1 as amended by chapter 462 of the laws of 2014, is amended to read as follows:

§ 168-q. ~~[Subdirectory]~~ Directory; internet posting. 1. The division shall maintain a ~~[subdirectory of level two and three]~~ directory of sex offenders~~[-The subdirectory]~~ which shall be made available at all times on the internet via the division homepage for purposes of public access.

(a) In the case of a sex offender who has been given a level one designation, the directory shall include the name of the sex offender, a photograph of the sex offender and approximate address based on the sex offender's zip code.

(b) In the case of a sex offender who has been given a level two or three designation, the directory shall include the exact address, address of the offender's place of employment and photograph of the sex offender along with the following information, if available: name, physical description, age and distinctive markings. Background information including all of the sex offender's crimes of conviction that require him or her to register pursuant to this article, modus of operation, type of victim targeted, the name and address of any institution of higher education at which the sex offender is enrolled, attends, is employed or resides and a description of special conditions imposed on the sex offender shall also be included. The ~~[subdirectory]~~ directory shall have sex offender listings categorized by county and zip code. Such ~~[subdirectory]~~ directory shall be made available at all times on the internet via the division homepage. Any person may apply to the division to receive automated e-mail notifications whenever a new or updated ~~[subdirectory]~~ directory registration occurs in a geographic area specified by such person. The division shall furnish such service at no charge to such person, who shall request e-mail notification by county and/or zip code on forms developed and provided by the division. E-mail notification is limited to three geographic areas per e-mail account.

2. Any person who uses information disclosed pursuant to this section in violation of the law shall in addition to any other penalty or fine imposed, be subject to a fine of not less than five hundred dollars and not more than one thousand dollars. Unauthorized removal or duplication of the ~~[subdirectory]~~ directory from the offices of local, village or city police department shall be punishable by a fine not to exceed one thousand dollars. In addition, the attorney general, any district attorney, or any person aggrieved is authorized to bring a civil action in the appropriate court requesting preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or group of persons responsible for such action. The foregoing remedies shall be independent of any other reme-

1 dies or procedures that may be available to an aggrieved party under  
2 other provisions of law.  
3 § 4. This act shall take effect on the one hundred eightieth day after  
4 it shall have become a law.