STATE OF NEW YORK

3291

2019-2020 Regular Sessions

IN ASSEMBLY

January 29, 2019

Introduced by M. of A. BARNWELL -- Multi-Sponsored by -- M. of A. BRAUNSTEIN, D'URSO, MOSLEY -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to prohibiting a person required to register under the sex offender registration act from possessing an online gamer account

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

Section 1. Section 168-w of the correction law, as relettered by chapter 604 of the laws of 2005, is relettered section 168-x and a new section 168-w is added to read as follows:

§ 168-w. Prohibition of online gamer accounts. 1. For purposes of this section an "online gamer account" means a user name or other name, or identifying data that allows such individual or user to engage, spectate, message, communicate, participate, or play on the internet, console, gaming system, and/or network, in which other individuals can engage in the same game, games, activities, or multiplayer features. An "online gamer account" includes, but is not limited to, a console gaming account, computer gaming account, user tag, user account, user name, network account, X-box gamer tag, PlayStation Network name, Nintendo Network ID, online multiplayer user name, online multiplayer playing account, unique user name, or any other profile and/or named account that allows such individual or user to engage, spectate, message, communicate, participate, or play on the internet, console, gaming system, and/or network, in which other individuals can engage in the same game, games, activities, or multiplayer features.

2. a. No person required to maintain registration under this article shall be permitted to have an online gamer account that allows such person to engage in the watching, participation, communication, messaging, talking, and/or playing of any type of game over the internet,

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

LBD02172-01-9

console, platform, system, online multiplayer feature, or any other type of device, in which minors also have access to an online gamer account.

b. Any person required to maintain registration under this article who currently has such online gamer account shall delete, remove and/or cancel such online gamer account within seven days after the effective date of this section. Such person shall report such account, and the account's deletion, to the division within seven days after the effective date of this section.

3. a. Any person required to maintain registration under this article who fails to report such online gamer account to the division seven days after the effective date of this section shall be guilty of a class A misdemeanor.

b. Any person required to maintain registration under this article who currently has such online gamer account at the time of the effective date of this section, and who fails to delete, remove and/or cancel such online gamer account within seven days after the effective date of this section shall be guilty of a class A misdemeanor.

c. Any person required to maintain registration under this article who creates an online gamer account after the effective date of this section shall be guilty of a class A misdemeanor. Upon the second violation, and each subsequent violation, of this subdivision such person shall be guilty of a class E felony.

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