

STATE OF NEW YORK

5809

2019-2020 Regular Sessions

IN ASSEMBLY

February 19, 2019

Introduced by M. of A. ENGLEBRIGHT -- read once and referred to the
Committee on Correction

AN ACT to amend the correction law, in relation to requiring monthly
reports on community notification related to sex offenders

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

1 Section 1. Paragraphs (b) and (c) of subdivision 6 of section 168-1 of
2 the correction law, paragraph (b) as amended by chapter 513 of the laws
3 of 2011 and paragraph (c) as separately amended by chapters 318 and 680
4 of the laws of 2005, are amended to read as follows:

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

24 Such law enforcement agencies shall compile, maintain and update a
25 listing of vulnerable organizational entities within its jurisdiction.

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

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1 Such listing shall be utilized for notification of such organizations in
2 disseminating such information on level two sex offenders pursuant to
3 this paragraph. Such listing shall include and not be limited to:
4 superintendents of schools or chief school administrators, superinten-
5 dents of parks, public and private libraries, public and private school
6 bus transportation companies, day care centers, nursery schools, pre-
7 schools, neighborhood watch groups, community centers, civic associ-
8 ations, nursing homes, victim's advocacy groups and places of worship.

9 Such law enforcement agencies shall generate a monthly report which
10 shall be made available to the public, identifying the community notifi-
11 cation procedures implemented for each offender. Such report shall be
12 available to the public upon request. Such report shall be updated
13 monthly. Such report will include a listing of each vulnerable entity
14 notification made, excluding the victim and individual residents.

15 (c) If the risk of repeat offense is high and there exists a threat to
16 the public safety a level three designation shall be given to such sex
17 offender. In such case, the law enforcement agency or agencies having
18 jurisdiction and the law enforcement agency or agencies having had
19 jurisdiction at the time of his or her conviction shall be notified and
20 may disseminate relevant information which shall include a photograph
21 and description of the offender and which may include the sex offender's
22 exact name and any aliases used by the offender, exact address, address
23 of the offender's place of employment, background information including
24 the offender's crime of conviction, mode of operation, type of victim
25 targeted, the name and address of any institution of higher education at
26 which the sex offender is enrolled, attends, is employed or resides and
27 the description of special conditions imposed on the offender to any
28 entity with vulnerable populations related to the nature of the offense
29 committed by such sex offender. Any entity receiving information on a
30 sex offender may disclose or further disseminate such information at its
31 discretion. In addition, in such case, the information described herein
32 shall also be provided in the subdirectory established in this article
33 and notwithstanding any other provision of law, such information shall,
34 upon request, be made available to the public.

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

45 Such law enforcement agencies shall generate a monthly report which
46 shall be made available to the public, identifying the community notifi-
47 cation procedures implemented for each offender. Such report shall be
48 available to the public upon request. Such report shall be updated
49 monthly. Such report will include a listing of each vulnerable entity
50 notification made, excluding the victim and individual residents.

51 § 2. This act shall take effect on the first of November next succeed-
52 ing the date on which it shall have become a law.