

STATE OF NEW YORK

6827

2019-2020 Regular Sessions

IN ASSEMBLY

March 20, 2019

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

AN ACT to amend the correction law, in relation to establishing the "domestic violence registration act"

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

1 Section 1. This act shall be known and may be cited as the "domestic
2 violence registration act".

3 § 2. The correction law is amended by adding a new article 6-B to read
4 as follows:

ARTICLE 6-B

DOMESTIC VIOLENCE REGISTRATION ACT

Section 165. Definitions.

8 165-a. Duties of the division; registration information.

9 165-b. Domestic violence offender; relocation; notification.

10 165-c. Duties of the court.

11 165-d. Discharge of domestic violence offender from correctional
12 facility; duties of official in charge.

13 165-e. Duty to register and to verify.

14 165-f. Prior convictions; duty to inform and register.

15 165-g. Duration of registration and verification.

16 165-h. Registration and verification requirements.

17 165-i. Notification of local law enforcement agencies of change
18 of address.

19 165-j. Registration for change of address from another state.

20 165-k. Special telephone number.

21 165-l. Immunity from liability.

22 165-m. Annual report.

23 165-n. Penalty.

24 165-o. Unauthorized release of information.

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

LBD10782-01-9

1 § 165. Definitions. As used in this article, the following definitions
2 apply:

3 1. "Domestic violence offender" includes any person who is convicted
4 of any of the domestic violence offenses set forth in subdivision two of
5 this section. Convictions that result from or are connected with the
6 same act, or result from offenses committed at the same time, shall be
7 counted for the purpose of this article as one conviction. Any
8 conviction set aside pursuant to law is not a conviction for purposes of
9 this article.

10 2. "Domestic violence offense" means the conviction of any felony
11 offense defined in the penal law when the victim of such crime or
12 offense is a family or household member.

13 3. "Family or household members" means the following individuals:

14 (a) persons related by consanguinity or affinity;

15 (b) persons legally married to one another;

16 (c) persons formerly married to one another regardless of whether they
17 still reside in the same household;

18 (d) persons who have a child in common regardless of whether such
19 persons are married or have lived together at any time; or

20 (e) unrelated persons who are continually or at regular intervals
21 living in the same household or who have in the past continually or at
22 regular intervals lived in the same household.

23 4. "Parent" means a natural or adoptive parent or any individual
24 lawfully charged with a minor child's care or custody.

25 5. "Division" means the division of criminal justice services as
26 defined by section eight hundred thirty-five of the executive law.

27 6. "Law enforcement agency having jurisdiction" means:

28 (a) (i) the chief law enforcement officer in the village, town or city
29 in which the offender expects to reside upon his or her discharge,
30 probation, parole, release to post-release supervision or upon any form
31 of state or local conditional release; or

32 (ii) if there be no chief law enforcement officer in such village,
33 town or city, the chief law enforcement officer of the county in which
34 the offender expects to reside; or

35 (iii) if there be no chief law enforcement officer in such village, town,
36 city or county, the division of state police; and

37 (b) in the case of a domestic violence offender who is or expects to
38 be employed by, enrolled in, attending or employed, whether for compen-
39 sation or not, at an institution of higher education, (i) the chief law
40 enforcement officer in the village, town or city in which such institu-
41 tion is located; or (ii) if there be no chief law enforcement officer in
42 such village, town or city, the chief law enforcement officer of the
43 county in which such institution is located; or (iii) if there be no
44 chief law enforcement officer in such village, town, city or county, the
45 division of state police; and (iv) if such institution operates or
46 employs a campus law enforcement or security agency, the chief of such
47 agency; and

48 (c) in the case of a domestic violence offender who expects to reside
49 within a state park or on other land under the jurisdiction of the
50 office of parks, recreation and historic preservation, the state
51 regional park police.

52 § 165-a. Duties of the division; registration information. 1. The
53 division shall establish and maintain a file of individuals required to
54 register pursuant to the provisions of this article which shall include
55 the following information of each registrant:

1 (a) The domestic violence offender's name, all aliases used, date of
2 birth, sex, race, height, weight, eye color, driver's license number,
3 home address and/or expected place of domicile, any internet accounts
4 with internet access providers belonging to such offender and internet
5 identifiers that such offender uses.

6 (b) A photograph and set of fingerprints. The division shall, during
7 the period of registration, update such photograph once every three
8 years. The division shall notify the domestic violence offender by mail
9 of the duty to appear and be photographed at the specified law enforce-
10 ment agency having jurisdiction. Such notification shall be mailed at
11 least thirty days and not more than sixty days before the photograph is
12 required to be taken pursuant to this article.

13 (c) A description of the offense for which the domestic violence
14 offender was convicted, the date of conviction and the sentence imposed.

15 (d) The name and address of any institution of higher education at
16 which the domestic violence offender is or expects to be enrolled,
17 attending or employed, whether for compensation or not, and whether such
18 offender resides in or will reside in a facility owned or operated by
19 such institution.

20 (e) The employment address and/or expected place of employment of the
21 domestic violence offender.

22 (f) Any other information deemed pertinent by the division.

23 2. (a) The division is authorized to make the registry available to
24 any regional or national registry of domestic violence offenders for the
25 purpose of sharing information. The division shall accept files from any
26 regional or national registry of domestic violence offenders and shall
27 make such files available when requested pursuant to the provisions of
28 this article.

29 (b) No official, agency, authorized person or entity, whether public
30 or private, shall be subject to any civil or criminal liability for
31 damages for any decision or action made in the ordinary course of busi-
32 ness of that official, agency, authorized person or entity pursuant to
33 this article, provided that such official, agency, authorized person or
34 entity acted reasonably and in good faith with respect to such registry
35 information.

36 (c) The division shall require that no information included in the
37 registry shall be made available except in the furtherance of the
38 provisions of this article.

39 3. The division shall develop a standardized registration form to be
40 made available to the appropriate authorities and promulgate rules and
41 regulations to implement the provisions of this section. Such form shall
42 be written in clear and concise language and shall advise the domestic
43 violence offender of his or her duties and obligations under this arti-
44 cle.

45 4. The division shall mail a nonforwardable verification form to the
46 last reported address of the domestic violence offender for annual
47 verification requirements.

48 5. The division shall also establish and operate a telephone number as
49 provided for in section one hundred sixty-five-k of this article.

50 6. The division shall also establish a public awareness campaign to
51 advise the public of the provisions of this article.

52 7. The division shall charge a fee of ten dollars each time a domestic
53 violence offender registers any change of address or any change of his
54 or her status of enrollment, attendance, employment or residence at any
55 institution of higher education as required by this article. The fee
56 shall be paid to the division by the domestic violence offender. The

1 state comptroller is hereby authorized to deposit such fees into the
2 domestic violence awareness fund established pursuant to section nine-
3 ty-seven-yyy of the state finance law as added by chapter six hundred
4 thirty-four of the laws of two thousand two.

5 8. The division shall, upon the request of any children's camp opera-
6 tor, release to such person any information in the registry relating to
7 a prospective employee of any such person or entity in accordance with
8 the provisions of this article. The division shall promulgate rules and
9 regulations relating to procedures for the release of information in the
10 registry to such persons.

11 9. The division shall, upon the request of any authorized internet
12 entity, release to such entity internet identifiers that would enable
13 such entity to prescreen or remove domestic violence offenders from its
14 services or, in conformity with state and federal law, advise law
15 enforcement and/or other governmental entities of potential violations
16 of law and/or threats to public safety. Before releasing any information
17 the division shall require an authorized internet entity that requests
18 information from the registry to submit to the division the name,
19 address and telephone number of such entity and the specific legal
20 nature and corporate status of such entity. Except for the purposes
21 specified in this subdivision, an authorized internet entity shall not
22 publish or in any way disclose or redisclose any information provided to
23 it by the division pursuant to this subdivision. The division may charge
24 an authorized internet entity a fee for access to registered internet
25 identifiers requested by such entity pursuant to this subdivision. The
26 division shall promulgate rules and regulations relating to procedures
27 for the release of information in the registry, including but not limit-
28 ed to, the disclosure and redisclosure of such information, and the
29 imposition of any fees.

30 § 165-b. Domestic violence offender; relocation; notification. 1. In
31 the case of any domestic violence offender, it shall be the duty of the
32 department, hospital or local correctional facility at least ten calen-
33 dar days prior to the release or discharge of any domestic violence
34 offender from a correctional facility, hospital or local correctional
35 facility to notify the division of the contemplated release or discharge
36 of such domestic violence offender, informing the division in writing on
37 a form provided by the division indicating the address at which he or
38 she proposes to reside and the name and address of any institution of
39 higher education at which he or she expects to be enrolled, attending or
40 employed, whether for compensation or not, and whether he or she resides
41 in or will reside in a facility owned or operated by such institution.
42 If such domestic violence offender changes his or her place of residence
43 while on parole, such notification of the change of residence shall be
44 sent by the domestic violence offender's parole officer within forty-
45 eight hours to the division on a form provided by the division. If such
46 domestic violence offender changes the status of his or her enrollment,
47 attendance, employment or residence at any institution of higher educa-
48 tion while on parole, such notification of the change of status shall be
49 sent by the domestic violence offender's parole officer within forty-
50 eight hours to the division on a form provided by the division.

51 2. In the case of any domestic violence offender on probation, it
52 shall be the duty of the domestic violence offender's probation officer
53 to notify the division within forty-eight hours of the new place of
54 residence on a form provided by the division. If such domestic violence
55 offender changes the status of his or her enrollment, attendance,
56 employment or residence at any institution of higher education while on

1 probation, such notification of the change of status shall be sent by
2 the domestic violence offender's probation officer within forty-eight
3 hours to the division on a form provided by the division.

4 3. In the case in which any domestic violence offender escapes from a
5 state or local correctional facility or hospital, the designated offi-
6 cial of the facility or hospital where the person was confined shall
7 notify within twenty-four hours the law enforcement agency having had
8 jurisdiction at the time of his or her conviction, informing such law
9 enforcement agency of the name and aliases of the person, and the
10 address at which he or she resided at the time of his or her conviction,
11 the amount of time remaining to be served, if any, on the full term for
12 which he or she was sentenced, and the nature of the crime for which he
13 or she was sentenced, transmitting at the same time a copy of such
14 domestic violence offender's fingerprints and photograph and a summary
15 of his or her criminal record.

16 4. The division shall provide general information, in registration
17 materials and annual correspondence, to registrants concerning notifica-
18 tion and registration procedures that may apply if the registrant is
19 authorized to relocate and relocates to another state or United States
20 possession, or commences employment or attendance at an education insti-
21 tution in another state or United States possession. Such information
22 shall include addresses and telephone numbers for relevant agencies from
23 which additional information may be obtained.

24 § 165-c. Duties of the court. 1. Upon conviction of any of the
25 offenses set forth in subdivision two of section one hundred sixty-five
26 of this article the court shall certify that the person is a domestic
27 violence offender and shall include the certification in the order of
28 commitment, if any, and judgment of conviction. The court shall also
29 advise the domestic violence offender of his or her duties under this
30 article. Failure to include the certification in the order of commit-
31 ment or the judgment of conviction shall not relieve a domestic violence
32 offender of the obligations imposed by this article.

33 2. Any domestic violence offender, who is released on probation or
34 discharged upon payment of a fine, conditional discharge or uncondi-
35 tional discharge shall, prior to such release or discharge, be informed
36 of his or her duty to register under this article by the court in which
37 he or she was convicted. At the time sentence is imposed, such domestic
38 violence offender shall register with the division on a form prepared by
39 the division. The court shall require the domestic violence offender to
40 read and sign such form and to complete the registration portion of such
41 form. The court shall on such form obtain the address where the domestic
42 violence offender expects to reside upon his or her release, and the
43 name and address of any institution of higher education he or she
44 expects to be employed by, enrolled in, attending or employed, whether
45 for compensation or not, and whether he or she expects to reside in a
46 facility owned or operated by such an institution, and shall report such
47 information to the division. The court shall give one copy of the form
48 to the domestic violence offender and shall send two copies to the divi-
49 sion which shall forward the information to the law enforcement agencies
50 having jurisdiction. Where the court orders a domestic violence offen-
51 der released on probation, such order must include a provision requiring
52 that he or she comply with the requirements of this article. Where such
53 domestic violence offender violates such provision, probation may be
54 immediately revoked in the manner provided by article four hundred ten
55 of the criminal procedure law.

1 § 165-d. Discharge of domestic violence offender from correctional
2 facility; duties of official in charge. Any domestic violence offender,
3 to be discharged, paroled, released to post-release supervision or
4 released from any state or local correctional facility, hospital or
5 institution where he or she was confined or committed, shall at least
6 fifteen calendar days prior to discharge, parole or release, be informed
7 of his or her duty to register under this article, by the facility in
8 which he or she was confined or committed. The facility shall require
9 the domestic violence offender to read and sign such form as may be
10 required by the division stating the duty to register and the procedure
11 for registration has been explained to him or her and to complete the
12 registration portion of such form. The facility shall obtain on such
13 form the address where the domestic violence offender expects to reside
14 upon his or her discharge, parole or release and the name and address of
15 any institution of higher education he or she expects to be employed by,
16 enrolled in, attending or employed, whether for compensation or not, and
17 whether he or she expects to reside in a facility owned or operated by
18 such an institution, and shall report such information to the division.
19 The facility shall give one copy of the form to the domestic violence
20 offender, retain one copy and shall send one copy to the division which
21 shall provide the information to the law enforcement agencies having
22 jurisdiction. The facility shall give the domestic violence offender a
23 form prepared by the division, to register with the division at least
24 fifteen calendar days prior to release and such form shall be completed,
25 signed by the domestic violence offender and sent to the division by the
26 facility at least ten days prior to the domestic violence offender's
27 release or discharge.

28 § 165-e. Duty to register and to verify. 1. Any domestic violence
29 offender shall, (a) at least ten calendar days prior to discharge,
30 parole, release to post-release supervision or release from any state or
31 local correctional facility, hospital or institution where he or she was
32 confined or committed, or, (b) at the time sentence is imposed for any
33 domestic violence offender released on probation or discharged upon
34 payment of a fine, conditional discharge or unconditional discharge,
35 register with the division on a form prepared by the division.

36 2. For a domestic violence offender required to register under this
37 article on each anniversary of the domestic violence offender's initial
38 registration date during the period in which he or she is required to
39 register under this section the following applies:

40 (a) The domestic violence offender shall mail the verification form to
41 the division within ten calendar days after receipt of the form.

42 (b) The verification form shall be signed by the domestic violence
43 offender, and state that he or she still resides at the address last
44 reported to the division.

45 (c) If the domestic violence offender fails to mail the signed verifi-
46 cation form to the division within ten calendar days after receipt of
47 the form, he or she shall be in violation of this section unless he or
48 she proves that he or she has not changed his or her residence address.

49 (d) If the domestic violence offender, to whom a notice has been
50 mailed at the last reported address pursuant to this article, fails to
51 personally appear at the law enforcement agency having jurisdiction,
52 within twenty days of the anniversary of the domestic violence
53 offender's initial registration, or an alternate later date scheduled by
54 the law enforcement agency having jurisdiction, he or she shall be in
55 violation of this section. The duty to personally appear for such
56 updated photograph shall be temporarily suspended during any period in

1 which the domestic violence offender is confined in any hospital or
2 institution, and such domestic violence offender shall personally appear
3 for such updated photograph no later than ninety days after release from
4 such hospital or institution, or an alternate later date scheduled by
5 the law enforcement agency having jurisdiction.

6 3. Any domestic violence offender shall register with the division no
7 later than ten calendar days after any change of address, internet
8 accounts with internet access providers belonging to such offender,
9 internet identifiers that such offender uses, or his or her status of
10 enrollment, attendance, employment or residence at any institution of
11 higher education. A fee of ten dollars, as authorized by subdivision
12 seven of section one hundred sixty-five-a of this article, shall be
13 submitted by the domestic violence offender each time such offender
14 registers any change of address or any change of his or her status or
15 enrollment, attendance, employment or residence at any institution of
16 higher education. Any failure or omission to submit the required fee
17 shall not affect the acceptance by the division of the change of address
18 or change of status.

19 4. The duty to register under the provisions of this article shall not
20 be applicable to any domestic violence offender whose conviction was
21 reversed upon appeal or who was pardoned by the governor.

22 5. Any nonresident worker or nonresident student, as defined in subdi-
23 visions fourteen and fifteen of section one hundred sixty-eight-a of
24 this chapter, shall register his or her current address and the address
25 of his or her place of employment or educational institution attended
26 with the division within ten calendar days after such nonresident worker
27 or nonresident student commences employment or attendance at an educa-
28 tional institution in the state. Any nonresident worker or nonresident
29 student shall notify the division of any change of residence, employment
30 or educational institution address no later than ten days after such
31 change. The division shall notify the law enforcement agency where the
32 nonresident worker is employed or the educational institution is located
33 that a nonresident worker or nonresident student is present in that
34 agency's jurisdiction.

35 § 165-f. Prior convictions; duty to inform and register. 1. The
36 department of parole or office of probation and correctional alterna-
37 tives in accordance with risk factors pursuant to this article shall
38 determine the duration of registration and notification for every domes-
39 tic violence offender who on the effective date of this article is then
40 on parole or probation for an offense provided for in subdivision two of
41 section one hundred sixty-five of this article.

42 2. Every domestic violence offender who on the effective date of this
43 article is then on parole or probation for an offense provided for in
44 subdivision two of section one hundred sixty-five of this article shall
45 within ten calendar days of such determination register with his or her
46 parole or probation officer. On each anniversary of the domestic
47 violence offender's initial registration date thereafter, the provisions
48 of section one hundred sixty-five-e of this article shall apply. Any
49 domestic violence offender who fails or refuses to so comply shall be
50 subject to the same penalties as otherwise provided for in this article
51 which would be imposed upon a domestic violence offender who fails or
52 refuses to so comply with the provisions of this article on or after
53 such effective date.

54 3. It shall be the duty of the parole or probation officer to inform
55 and register such domestic violence offender according to the require-
56 ments imposed by this article. A parole or probation officer shall give

1 one copy of the form to the domestic violence offender and shall, within
2 three calendar days, send two copies electronically or otherwise to the
3 division which shall forward one copy electronically or otherwise to the
4 law enforcement agency having jurisdiction where the domestic violence
5 offender resides upon his or her parole, probation, or upon any form of
6 state or local conditional release.

7 4. A petition for relief from this section is permitted to any domes-
8 tic violence offender required to register while released on parole or
9 probation pursuant to section one hundred sixty-five-n of this article.

10 § 165-g. Duration of registration and verification. The duration of
11 registration and verification for a domestic violence offender shall be
12 annually for a period of twenty years from the initial date of registra-
13 tion.

14 § 165-h. Registration and verification requirements. Registration and
15 verification as required by this article shall consist of a statement in
16 writing signed by the domestic violence offender giving the information
17 that is required by the division and the division shall enter the infor-
18 mation into an appropriate electronic data base or file.

19 § 165-i. Notification of local law enforcement agencies of change of
20 address. 1. Upon receipt of a change of address by a domestic violence
21 offender required to register under this article, the division shall
22 notify the local law enforcement agency having jurisdiction of the new
23 place of residence and the local law enforcement agency where the domes-
24 tic violence offender last resided of the new place of residence.

25 2. Upon receipt of change of address information, the local law
26 enforcement agency having jurisdiction of the new place of residence
27 shall adhere to the notification provisions set forth in this article.

28 3. The division shall, if the domestic violence offender changes resi-
29 dence to another state, notify the appropriate agency within that state
30 of the new place of residence.

31 4. Upon receipt of a change in the status of the enrollment, attend-
32 ance, employment or residence at an institution of higher education by a
33 domestic violence offender required to register under this article, the
34 division shall notify each law enforcement agency having jurisdiction
35 which is affected by such change.

36 5. Upon receipt of change in the status of the enrollment, attendance,
37 employment or residence at an institution of higher education by a
38 domestic violence offender required to register under this article, each
39 law enforcement agency having jurisdiction shall adhere to the notifica-
40 tion provisions set forth in this article.

41 § 165-j. Registration for change of address from another state. 1. A
42 domestic violence offender who has been convicted of an offense which
43 requires registration under this article shall notify the division of
44 the new address no later than ten calendar days after such domestic
45 violence offender establishes residence in this state.

46 2. If the division determines that the domestic violence offender is
47 required to register, the division shall notify the domestic violence
48 offender of his or her duty to register under this article and shall
49 require the domestic violence offender to sign a form as may be required
50 by the division acknowledging that the duty to register and the proce-
51 dure for registration has been explained to the domestic violence offen-
52 der. The division shall obtain on such form the address where the domes-
53 tic violence offender expects to reside within the state and the
54 domestic violence offender shall retain one copy of the form and send
55 two copies to the division which shall provide the information to the

1 law enforcement agency having jurisdiction where the domestic violence
2 offender expects to reside within this state.

3 3. The division shall undertake an information campaign designed to
4 provide information to officials and appropriate individuals in other
5 states and United States possessions concerning the notification proce-
6 dures required by this article. Such information campaign shall be ongo-
7 ing, and shall include, but not be limited to, letters, notice forms and
8 similar materials providing relevant information about this article and
9 the specific procedures required to effect notification. Such materials
10 shall include an address and telephone number which such officials and
11 individuals in other states and United States possessions may use to
12 obtain additional information.

13 § 165-k. Special telephone number. 1. Pursuant to section one hundred
14 sixty-five-a of this article, the division shall also operate a tele-
15 phone number that members of the public may call free of charge and
16 inquire whether a named individual required to register pursuant to this
17 article is listed. The division shall ascertain whether a named person
18 reasonably appears to be a person so listed. The division shall decide
19 whether the named person reasonably appears to be a person listed, based
20 upon information from the caller providing information that shall
21 include (a) an exact street address, including apartment number, driv-
22 er's license number or birth date, along with additional information
23 that may include social security number, hair color, eye color, height,
24 weight, distinctive markings, ethnicity; or (b) any combination of the
25 above listed characteristics if an exact birth date or address is not
26 available. If three of the characteristics provided include ethnicity,
27 hair color, and eye color, other identifying characteristics shall be
28 provided. Any information identifying the victim by name, birth date,
29 address or relation to the person listed by the division shall be
30 excluded by the division.

31 2. When the telephone number is called, a preamble shall be played
32 which shall provide the following information:

33 (a) notice that the caller's telephone number will be recorded;

34 (b) that there is no charge for use of the telephone number;

35 (c) notice that the caller is required to identify himself or herself
36 to the operator and provide current address and shall be maintained in a
37 written record;

38 (d) notice that the caller is required to be eighteen years of age or
39 older;

40 (e) a warning that it is illegal to use information obtained through
41 the telephone number to commit a crime against any person listed or to
42 engage in illegal discrimination or harassment against such person;

43 (f) notice that the caller is required to have the birth date, driv-
44 er's license or identification number, or address or other identifying
45 information regarding the person about whom information is sought in
46 order to achieve a positive identification of that person;

47 (g) a statement that the number is not a crime hotline and that any
48 suspected criminal activity should be reported to local authorities;

49 (h) a statement that an information package which will include a
50 description of the law and domestic violence prevention materials is
51 available upon request from the division. Such information package shall
52 include questions and answers regarding the most commonly asked ques-
53 tions about the domestic violence offender registration act, and current
54 domestic violence prevention material.

55 3. (a) The division shall establish a program allowing non-profit and
56 not-for-profit youth services organizations to pre-register with the

1 division for use of the telephone number. Pre-registration shall include
2 the identification of up to two officials of the organization who may
3 call the telephone number and obtain information on behalf of the organ-
4 ization. A pre-registered certificate issued under this subdivision
5 shall be valid for two years, unless earlier revoked by the division for
6 good cause shown. No fee shall be charged to an applicant for the issu-
7 ance of a pre-registered certificate pursuant to this subdivision.

8 (b) An organization granted a pre-registered certificate pursuant to
9 this subdivision may, upon calling the telephone number, inquire whether
10 multiple named individuals are listed on the domestic violence offender
11 registry. Notwithstanding any per call limitation the division may place
12 on calls by private individuals, the division shall allow such pre-re-
13 gistered organizations to inquire about up to twenty prospective coach-
14 es, leaders or volunteers in each call to the telephone number.

15 (c) For purposes of this subdivision, "youth services organization"
16 shall mean a formalized program operated by a corporation pursuant to
17 subparagraph five of paragraph (a) of section one hundred two of the
18 not-for-profit corporation law that functions primarily to: (i) provide
19 children the opportunity to participate in adult-supervised sporting
20 activities; or (ii) match children or groups of children with adult
21 volunteers for the purpose of providing children with positive role
22 models to enhance their development.

23 4. Whenever there is reasonable cause to believe that any person or
24 group of persons is engaged in a pattern or practice of misuse of the
25 telephone number, the attorney general, any district attorney or any
26 person aggrieved by the misuse of the number is authorized to bring a
27 civil action in the appropriate court requesting preventive relief,
28 including an application for a permanent or temporary injunction,
29 restraining order or other order against the person or group of persons
30 responsible for the pattern or practice of misuse. The foregoing reme-
31 dies shall be independent of any other remedies or procedures that may
32 be available to an aggrieved party under other provisions of law. Such
33 person or group of persons shall be subject to a fine of not less than
34 five hundred dollars and not more than one thousand dollars.

35 5. The division shall submit to the legislature an annual report on
36 the operation of the telephone number. The annual report shall include,
37 but not be limited to, all of the following:

38 (a) number of calls received;

39 (b) a detailed outline of the amount of money expended and the manner
40 in which it was expended for purposes of this section;

41 (c) number of calls that resulted in an affirmative response and the
42 number of calls that resulted in a negative response with regard to
43 whether a named individual was listed;

44 (d) number of persons listed; and

45 (e) a summary of the success of the telephone number program based
46 upon selected factors.

47 § 165-1. Immunity from liability. 1. No official, employee or agency,
48 whether public or private, shall be subject to any civil or criminal
49 liability for damages for any discretionary decision to release relevant
50 and necessary information pursuant to this section if that official,
51 employee or agency acted reasonably and in good faith. The immunity
52 provided under this section applies to the release of relevant informa-
53 tion to other employees or officials or to the general public.

54 2. Nothing in this section shall be deemed to impose any civil or
55 criminal liability upon or to give rise to a cause of action against any
56 official, employee or agency, whether public or private, for failing to

1 release information as authorized in this section if that official,
2 employee or agency acted reasonably and in good faith.

3 § 165-m. Annual report. The division shall on or before February first
4 in each year file a report with the governor, and the legislature
5 detailing the program, compliance with provisions of this article and
6 effectiveness of the provisions of this article, together with any
7 recommendations to further enhance the intent of this article.

8 § 165-n. Penalty. Any domestic violence offender required to register
9 or to verify pursuant to the provisions of this article who fails to
10 register or verify in the manner and within the time periods provided
11 for in this article shall be guilty of a class E felony upon conviction
12 for the first offense, and upon conviction for a second or subsequent
13 offense shall be guilty of a class D felony. Any such failure to regis-
14 ter or verify may also be the basis for revocation of parole pursuant to
15 section two hundred fifty-nine-i of the executive law or the basis for
16 revocation of probation pursuant to article four hundred ten of the
17 criminal procedure law.

18 § 165-o. Unauthorized release of information. The unauthorized release
19 of any information required by this article shall be a class B misdemea-
20 nor.

21 § 3. If any clause, sentence, paragraph, section or part of this act
22 shall be adjudged by any court of competent jurisdiction to be invalid,
23 such judgment shall not affect, impair or invalidate the remainder ther-
24 eof, but shall be confined in its operation to the clause, sentence,
25 paragraph, section or part thereof directly involved in the controversy
26 in which such judgment shall have been rendered.

27 § 4. This act shall take effect immediately.