STATE OF NEW YORK

3858

2021-2022 Regular Sessions

IN ASSEMBLY

January 28, 2021

Introduced by M. of A. DeSTEFANO, MIKULIN, McDONOUGH, MORINELLO, SALKA, REILLY, MANKTELOW -- Multi-Sponsored by -- M. of A. DiPIETRO, J. M. GIGLIO -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to facilitating compliance with the sex offender registry for offenders without a registerable residence

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

Section 1. Section 168-a of the correction law is amended by adding two new subdivisions 19 and 20 to read as follows:

19. "Homeless sex offender" means a person required to register as a sex offender who does not have a registerable residence. For the purposes of this section a registerable residence is an address where the sex offender actually resides and where the sex offender may receive mail. Should a sex offender have an address where he or she actually resides that the United States Postal Service does not deliver mail, but such sex offender does maintain a valid postal box to receive his or her mail, then such offender shall not be considered homeless for the purposes of this section.

20. "Sex offender registration officer" means a person designated by the county to collect information regarding the location of homeless sex offenders and report such to the division for inclusion on the sex offender registry. The sex offender registration officer shall also provide, on behalf of the division, necessary notifications to such offenders. Sex offender registration officers are authorized to share information regarding the location of homeless sex offenders with other sex offender registration officers within the state, as well as with the division and any and all law enforcement agencies, probation and parole. The sex offender registration officer may designate agents, including but not limited to a law enforcement agency having jurisdiction, to facilitate the collection of location information, as well as facilitate

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

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notifications, so long as information collected by such agents is immediately forwarded to the sex offender registration officer.

§ 2. Paragraph (a) of subdivision 1 of section 168-b of the correction law, as amended by chapter 67 of the laws of 2008, is amended to read as follows:

(a) The sex offender's name, all aliases used, date of birth, sex, race, height, weight, eye color, driver's license number, home address and/or expected place of domicile, any internet accounts with internet access providers belonging to such offender and internet identifiers that such offender uses. If the sex offender is a homeless sex offender as defined in subdivision nineteen of section one hundred sixty-eight-a of this article, then the division shall include that information along with which county's sex offender registration officer is collecting location information regarding this homeless sex offender.

§ 3. Section 168-b of the correction law is amended by adding two new subdivisions 13 and 14 to read as follows:

13. For any sex offender who is a homeless sex offender as defined in subdivision nineteen of section one hundred sixty-eight-a of this article, the sex offender registration officer of the county in which the sex offender is located shall facilitate all notifications required by this section on behalf of the division.

14. The division is authorized to make any and all information maintained pursuant to this section, available to any sex offender registration officer within the state for the furtherance of the provisions of this article.

§ 4. Section 168-f of the correction law is amended by adding a new subdivision 7 to read as follows:

7. If the sex offender is a homeless sex offender as defined in subdivision nineteen of section one hundred sixty-eight-a of this article, the sex offender must report to the sex offender registration officer in the county where the sex offender is located every ten calendar days until such sex offender is no longer a homeless sex offender or no longer required to register. When the sex offender reports he or she must update any information previously provided pursuant to this section, as well as information as to where he or she has habitually been spending the night and any further information relevant to where he or she has been or will be staying, including, but not limited to, any shelters or emergency housing. All registrations and verifications required of the sex offender under this article shall be provided by the homeless sex offender to the sex offender registration officer in the county where the sex offender is located, or to that officer's designated agent, to be forwarded to the division. Nothing contained in this subdivision shall exempt a homeless sex offender from any and all requirements to appear at a law enforcement agency having jurisdiction. The division shall promulgate rules and regulations relating to procedures for facilitating reporting of homeless sex offenders to sex offender registration officers, as well as for disseminating information by the division to the homeless sex offenders through the sex offender registration officer.

§ 5. Section 168-t of the correction law, as amended by chapter 373 of the laws of 2007, is amended to read as follows:

§ 168-t. Penalty. Any sex offender required to register or to verify pursuant to the provisions of this article who fails to register or verify in the manner and within the time periods provided for in this article shall be guilty of a class E felony upon conviction for the first offense, and upon conviction for a second or subsequent offense

shall be guilty of a class D felony. **Any homeless sex offender required to report to a sex offender registration officer pursuant to the provisions of this article who fails to report in the manner and within the time periods provided for in this article shall be guilty of a class A misdemeanor upon conviction for the first offense, and upon conviction for a second or subsequent offense shall be guilty of a class E felony.** Any sex offender who violates the provisions of section one hundred sixty-eight-v of this article shall be guilty of a class A misdemeanor upon conviction for the first offense, and upon conviction for a second or subsequent offense shall be guilty of a class D felony. Any such failure to register or verify may also be the basis for revocation of parole pursuant to section two hundred fifty-nine-i of the executive law or the basis for revocation of probation pursuant to article four hundred ten of the criminal procedure law.

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