STATE OF NEW YORK

1263

2021-2022 Regular Sessions

IN SENATE

January 8, 2021

Introduced by Sen. HELMING -- 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 failure to register or verify under the sex offender registration act or violation of the prohibition of sex offenders working on motor vehicles engaged in retail sales of frozen desserts or other mobile food service establishments

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 employment on mobile food service establishments or pushcarts. No person required to maintain registration under this article shall operate, be employed on or dispense goods for sale at retail on a mobile food service establishment or pushcart. For purposes of this section a mobile food service establishment is defined as a self-contained food service operation, located in a vehicle or a movable stand, self or otherwise propelled, used to store, prepare, display or serve food intended for individual portion service. For purposes of this section a pushcart is defined as a cart or barrow, manually propelled, used to vend food intended for individual portion service.

§ 2. 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 sex offender~~] or who violates

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

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the provisions of [~~section~~] **sections** one hundred sixty-eight-v **and one hundred sixty-eight-w** 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.

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