STATE OF NEW YORK

6881

2023-2024 Regular Sessions

IN ASSEMBLY

May 8, 2023

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

AN ACT to amend the correction law, in relation to registration requirements applicable to certain sex offenders who are transient

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

Section 1. Subdivision 3 of section 168-f of the correction law, as amended by chapter 364 of the laws of 2012, is amended to read as follows:

3. **(a)** The provisions of subdivision two of this section shall be applied to a sex offender required to register under this article except that such sex offender designated as a sexual predator or having been given a level three designation must personally verify his or her address with the local law enforcement agency every ninety calendar days after the date of release or commencement of parole or post-release supervision, or probation, or release on payment of a fine, conditional discharge or unconditional discharge. At such time the law enforcement agency having jurisdiction may take a new photograph of such sex offender if it appears that the offender has had a change in appearance since the most recent photograph taken pursuant to paragraph (b-2) of subdivision two of this section. If such photograph is taken, the law enforcement agency shall promptly forward a copy of such photograph to the division. The duty to personally verify shall be temporarily suspended during any period in which the sex offender is confined to any state or local correctional facility, hospital or institution and shall immediately recommence on the date of the sex offender's release.

(b) Notwithstanding the provisions of paragraph (a) of this subdivision, any person who is required to register under this article and who is living as a transient shall register as follows:

(i) A transient shall register within five days after release from incarceration, placement or commitment, or probation unless such person

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

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registered as a transient within thirty days from the date of their release from incarceration.

(ii) After initial registration, he or she shall re-register every thirty days.

(iii) A transient shall, upon registration and reregistration, provide current information as required on the division registration forms, and shall also list the places where he or she sleeps, eats, works, frequents, and engages in leisure activities. If a transient changes or adds to the places listed on the form during the thirty-day period, he or she does not need to report the new place or places until the next required reregistration.

(iv) If a transient convicted in another jurisdiction enters the state, he or she shall register within five working days of coming into the state with the local law enforcement agency in which he or she is present or the sheriff of the county.

(v) If a transient is not physically present in any one jurisdiction for five consecutive working days, he or she shall register in the jurisdiction in which he or she is physically present on the fifth working day following release.

(vi) A transient who moves out of state shall within five business days inform the local law enforcement agency where he or she is physically present, in person, of his or her move out of state and of his or her planned destination, residence or transient location out of state, and any plans he or she has to return to the state, if known. The law enforcement agency shall, within three days after receipt of this information, forward a copy of the change of location information to the division. The division shall forward appropriate registration data to the law enforcement agency having local jurisdiction of the new place of residence or location.

(c) For purposes of this subdivision:

(i) "Transient" shall mean a person who has no residence.

(ii) "Residence" shall mean one or more addresses at which a person regularly resides, regardless of the number of days or nights spent there, such as a shelter or structure that can be located by a street address, including, but not limited to, houses, apartment buildings, motels, hotels, homeless shelters, and recreational and other vehicles.

§ 2. This act shall take effect immediately.