STATE OF NEW YORK

3268

2023-2024 Regular Sessions

IN SENATE

January 30, 2023

Introduced by Sen. SEPULVEDA -- 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 definitions of a sexually violent offender and sex offense as applied to out-of-state offenders

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

Section 1. Subparagraphs (ii) and (iii) of paragraph (d) of subdivision 2 of section 168-a of the correction law, subparagraph (ii) as amended by chapter 11 of the laws of 2002 and subparagraph (iii) as amended by chapter 232 of the laws of 2008, are amended to read as follows:

(ii) [~~a felony in any other jurisdiction for which the offender is required to register as a sex offender in the jurisdiction in which the conviction occurred or, (iii)~~] any of the provisions of 18 U.S.C. 2251, 18 U.S.C. 2251A, 18 U.S.C. 2252, 18 U.S.C. 2252A, 18 U.S.C. 2260, 18 U.S.C. 2422(b), 18 U.S.C. 2423, or 18 U.S.C. 2425, provided that the elements of such crime of conviction are substantially the same as those which are a part of such offense as of the date on which this subparagraph takes effect.

§ 2. Paragraph (b) of subdivision 3 of section 168-a of the correction law, as amended by chapter 11 of the laws of 2002, is amended to read as follows:

(b) a conviction of an offense in any other jurisdiction which includes all of the essential elements of any such felony provided for in paragraph (a) of this subdivision [~~or conviction of a felony in any other jurisdiction for which the offender is required to register as a sex offender in the jurisdiction in which the conviction occurred~~].

§ 3. This act shall take effect immediately.

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

LBD01119-01-3