

STATE OF NEW YORK

4997

2023-2024 Regular Sessions

IN ASSEMBLY

February 27, 2023

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

AN ACT to amend the correction law and the general business law, in relation to requiring nonresident visitor sex offenders and registered sex offenders register when temporarily residing within the state

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

1 Section 1. Section 168-a of the correction law is amended by adding a
2 new subdivision 19 to read as follows:

3 19. "Nonresident visitor" or "nonresident visitor sex offender" means
4 any person required to register as a sex offender in another jurisdic-
5 tion who is temporarily residing within the state, following the process
6 set forth by such other jurisdiction, regardless of the length of stay
7 of such person.

8 § 2. Subdivision 6 of section 168-f of the correction law, as added by
9 chapter 11 of the laws of 2002, is amended to read as follows:

10 6. (a) Any nonresident worker ~~[or]~~, nonresident student or nonresident
11 visitor, as defined in subdivisions fourteen ~~[and]~~, fifteen and nineteen
12 of section one hundred sixty-eight-a of this article, shall register his
13 or her current address and the address of his or her place of employment
14 ~~[or]~~, educational institution attended or the address of his or her
15 temporary residence and length of stay at such residence with the divi-
16 sion within ten calendar days after such nonresident worker ~~[or]~~,
17 nonresident student or nonresident visitor commences employment ~~[or]~~,
18 attendance at an educational institution or stay at a temporary resi-
19 dence in the state. Any nonresident worker ~~[or]~~, nonresident student or
20 nonresident visitor shall notify the division of any change of resi-
21 dence, employment or educational institution address no later than ten
22 days after such change. The division shall notify the law enforcement
23 agency where the nonresident worker is employed ~~[or]~~, the educational
24 institution is located that a nonresident worker or nonresident student

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

LBD07843-01-3

1 is present or the address of the temporary residence and the length of
2 stay at such residence in that agency's jurisdiction.

3 (b) Any sex offender shall register with the division no later than
4 ten calendar days prior to having a temporary residence, regardless of
5 the length of stay at such temporary residence, and shall inform the
6 division of the address of such temporary residence and the length of
7 such stay. Any failure or omission to submit the required fee shall not
8 affect the acceptance by the division of the change of address or change
9 of status.

10 (c) Any nonresident visitor sex offender or sex offender staying at a
11 temporary residence shall inform the owner of the temporary residence if
12 not a short-term rental unit or the short-term rental host or the host-
13 ing platform, as such terms are defined in section three hundred nine-
14 ty-eight-g of the general business law, of his or her status as a
15 nonresident visitor sex offender or sex offender no later than ten days
16 before his or her stay at a temporary residence.

17 § 3. The general business law is amended by adding a new section 398-g
18 to read as follows:

19 § 398-g. Sex offender stays in short-term rental units. 1. For the
20 purposes of this section, the following terms shall have the following
21 meanings:

22 (a) "Residential dwelling" means any building or structure or portion
23 thereof which is occupied in whole or in part as the home or residence.

24 (b) "Short-term rental unit" means an entire residential dwelling, or
25 a room, group of rooms, other living or sleeping space, or any other
26 space within a residential dwelling, made available for rent by guests
27 for less than thirty consecutive days.

28 (c) "Short-term rental host" means an owner or tenant of a short-term
29 rental unit who rents such unit to guests.

30 (d) "Hosting platform" means a person or entity who, pursuant to an
31 agreement with a short-term rental host:

32 (i) provides a platform for compensation through which unaffiliated
33 third-party short-term rental hosts can offer to rent short-term rental
34 units; and

35 (ii) collects a fee in connection with either:

36 (A) providing the forum in which, or by means of which, the offer of
37 occupancy of a short-term rental unit is accepted; or

38 (B) providing the forum in which a short-term rental host can list or
39 advertise space in a short-term rental unit.

40 For the purposes of this section, the term "sex offender" shall mean a
41 person designated as a level two or level three sex offender as defined
42 in section one hundred sixty-eight-a of the correction law.

43 2. Every internet advertisement or online posting of a short-term
44 rental unit shall prominently display the complete physical street
45 address of the vacation rental along with a link to the website created
46 by the respective local sheriff jurisdiction, or the division of criminal
47 justice services sex offender registry, pursuant to article six-C of
48 the correction law, to notify the public of any information regarding
49 sex offenders. Such advertisement or posting shall prominently display a
50 link to state sex offender registry laws, and state "Every sexual offen-
51 der and sexual predator intending to stay at the location in New York is
52 required by New York State law to register in accordance with the law".

53 3. A short-term rental host or hosting platform shall notify all prop-
54 erty owners within one thousand feet of the rented property at least
55 twenty-four hours prior to the arrival of a sex offender or a nonresi-
56 dent visitor sex offender, as such term is defined in section one

1 hundred sixty-eight-a of the correction law, and inform such property
2 owners of the length of the stay of such sex offender or nonresident
3 visitor sex offender.

4 4. A violation of this section may result in a fine, suspension, or
5 revocation of a rental license, where applicable.

6 § 4. This act shall take effect on the first of November next succeed-
7 ing the date on which it shall have become a law. Effective immediately,
8 the addition, amendment and/or repeal of any rule or regulation neces-
9 sary for the implementation of this act on its effective date are
10 authorized to be made and completed on or before such effective date.