STATE OF NEW YORK

3002

2023-2024 Regular Sessions

IN SENATE

January 26, 2023

Introduced by Sen. PALUMBO -- 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 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:

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

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

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

6. **(a)** Any nonresident worker [~~or~~], nonresident student **or nonresident visitor**, as defined in subdivisions fourteen [~~and~~], fifteen **and nineteen** of section one hundred sixty-eight-a of this article, shall register his or her current address and the address of his or her place of employment [~~or~~], educational institution attended **or the address of his or her temporary residence and length of stay at such residence** with the division within ten calendar days after such nonresident worker [~~or~~], nonresident student **or nonresident visitor** commences employment [~~or~~], attendance at an educational institution **or stay at a temporary residence** in the state. Any nonresident worker [~~or~~], nonresident student **or nonresident visitor** shall notify the division of any change of residence, employment or educational institution address no later than ten days after such change. The division shall notify the law enforcement agency where the nonresident worker is employed [~~or~~], the educational

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

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institution is located that a nonresident worker or nonresident student is present or the address of the temporary residence and the length of stay at such residence in that agency's jurisdiction.

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

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

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

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

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

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

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

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

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

(ii) collects a fee in connection with either:

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

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

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

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

3. A short-term rental host or hosting platform shall notify all property owners within one thousand feet of the rented property at least twenty-four hours prior to the arrival of a sex offender or a nonresi-

dent visitor sex offender, as such term is defined in section one hundred sixty-eight-a of the correction law, and inform such property owners of the length of the stay of such sex offender or nonresident visitor sex offender.

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

§ 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.