

STATE OF NEW YORK

5209

2025-2026 Regular Sessions

IN ASSEMBLY

February 12, 2025

Introduced by M. of A. DeSTEFANO, MIKULIN, McDONOUGH, MORINELLO, REILLY, MANKTELOW, SMITH, DURSO, E. BROWN, PIROZZOLO, ANGELINO -- Multi-Sponsored by -- M. of A. DiPIETRO, HAWLEY -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to facilitating compliance with the sex offender registry for offenders without a registerable residence

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
2 two new subdivisions 19 and 20 to read as follows:

3 19. "Homeless sex offender" means a person required to register as a
4 sex offender who does not have a registerable residence. For the
5 purposes of this section a registerable residence is an address where
6 the sex offender actually resides and where the sex offender may receive
7 mail. Should a sex offender have an address where such sex offender
8 actually resides that the United States Postal Service does not deliver
9 mail, but such sex offender does maintain a valid postal box to receive
10 their mail, then such offender shall not be considered homeless for the
11 purposes of this section.

12 20. "Sex offender registration officer" means a person designated by
13 the county to collect information regarding the location of homeless sex
14 offenders and report such to the division for inclusion on the sex
15 offender registry. The sex offender registration officer shall also
16 provide, on behalf of the division, necessary notifications to such
17 offenders. Sex offender registration officers are authorized to share
18 information regarding the location of homeless sex offenders with other
19 sex offender registration officers within the state, as well as with the
20 division and any and all law enforcement agencies, probation and parole.
21 The sex offender registration officer may designate agents, including
22 but not limited to a law enforcement agency having jurisdiction, to

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

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1 facilitate the collection of location information, as well as facilitate
2 notifications, so long as information collected by such agents is imme-
3 diately forwarded to the sex offender registration officer.

4 § 2. Paragraph (a) of subdivision 1 of section 168-b of the correction
5 law, as amended by chapter 67 of the laws of 2008, is amended to read as
6 follows:

7 (a) The sex offender's name, all aliases used, date of birth, sex,
8 race, height, weight, eye color, driver's license number, home address
9 and/or expected place of domicile, any internet accounts with internet
10 access providers belonging to such offender and internet identifiers
11 that such offender uses. If the sex offender is a homeless sex offender
12 as defined in subdivision nineteen of section one hundred sixty-eight-a
13 of this article, then the division shall include that information along
14 with which county's sex offender registration officer is collecting
15 location information regarding this homeless sex offender.

16 § 3. Section 168-b of the correction law is amended by adding two new
17 subdivisions 13 and 14 to read as follows:

18 13. For any sex offender who is a homeless sex offender as defined in
19 subdivision nineteen of section one hundred sixty-eight-a of this arti-
20 cle, the sex offender registration officer of the county in which the
21 sex offender is located shall facilitate all notifications required by
22 this section on behalf of the division.

23 14. The division is authorized to make any and all information main-
24 tained pursuant to this section, available to any sex offender registra-
25 tion officer within the state for the furtherance of the provisions of
26 this article.

27 § 4. Section 168-f of the correction law is amended by adding a new
28 subdivision 7 to read as follows:

29 7. If the sex offender is a homeless sex offender as defined in subdi-
30 vision nineteen of section one hundred sixty-eight-a of this article,
31 the sex offender must report to the sex offender registration officer in
32 the county where the sex offender is located every ten calendar days
33 until such sex offender is no longer a homeless sex offender or no long-
34 er required to register. When the sex offender reports they shall update
35 any information previously provided pursuant to this section, as well as
36 information as to where such sex offender has habitually been spending
37 the night and any further information relevant to where such sex offen-
38 der has been or will be staying, including, but not limited to, any
39 shelters or emergency housing. All registrations and verifications
40 required of the sex offender under this article shall be provided by the
41 homeless sex offender to the sex offender registration officer in the
42 county where the sex offender is located, or to that officer's desig-
43 nated agent, to be forwarded to the division. Nothing contained in this
44 subdivision shall exempt a homeless sex offender from any and all
45 requirements to appear at a law enforcement agency having jurisdiction.
46 The division shall promulgate rules and regulations relating to proce-
47 dures for facilitating reporting of homeless sex offenders to sex offen-
48 der registration officers, as well as for disseminating information by
49 the division to the homeless sex offenders through the sex offender
50 registration officer.

51 § 5. Section 168-t of the correction law, as amended by chapter 373 of
52 the laws of 2007, is amended to read as follows:

53 § 168-t. Penalty. Any sex offender required to register or to verify
54 pursuant to the provisions of this article who fails to register or
55 verify in the manner and within the time periods provided for in this
56 article shall be guilty of a class E felony upon conviction for the

1 first offense, and upon conviction for a second or subsequent offense
2 shall be guilty of a class D felony. Any homeless sex offender required
3 to report to a sex offender registration officer pursuant to the
4 provisions of this article who fails to report in the manner and within
5 the time periods provided for in this article shall be guilty of a class
6 A misdemeanor upon conviction for the first offense, and upon conviction
7 for a second or subsequent offense shall be guilty of a class E felony.
8 Any sex offender who violates the provisions of section one hundred
9 sixty-eight-v of this article shall be guilty of a class A misdemeanor
10 upon conviction for the first offense, and upon conviction for a second
11 or subsequent offense shall be guilty of a class D felony. Any such
12 failure to register or verify may also be the basis for revocation of
13 parole pursuant to section two hundred fifty-nine-i of the executive law
14 or the basis for revocation of probation pursuant to article four
15 hundred ten of the criminal procedure law.
16 § 6. This act shall take effect on the ninetieth day after it shall
17 have become a law.