

STATE OF NEW YORK

5738

2025-2026 Regular Sessions

IN ASSEMBLY

February 20, 2025

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

AN ACT to amend the correction law, in relation to creating the drug dealer registration act

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

1 Section 1. The correction law is amended by adding a new article 6-D
2 to read as follows:

ARTICLE 6-D

DRUG DEALER REGISTRATION ACT

Section 169. Short title.

169-a. Definitions.

169-b. Duties of the division; registration information.

169-c. Drug dealer; relocation; notification.

169-d. Duties of the court.

169-e. Discharge of drug dealer from correctional facility;
duties of official in charge.

169-f. Duty to register and to verify.

169-g. Prior convictions; duty to inform and register.

169-h. Duration of registration and verification.

169-i. Registration and verification requirements.

169-j. Notification of local law enforcement agencies of change
of address.

169-k. Registration for change of address from another state.

169-l. Board of examiners of drug dealers.

169-m. Review.

169-n. Judicial determination.

169-o. Petition for relief or modification.

169-p. Special telephone number.

169-q. Subdirectory; internet posting.

169-r. Immunity from liability.

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

LBD03413-01-5

169-s. Annual report.

169-t. Penalty.

169-u. Unauthorized release of information.

169-v. Prohibition of employment on motor vehicles engaged in retail sales of frozen desserts.

169-w. Separability.

§ 169. Short title. This article shall be known and may be cited as the "Drug Dealer Registration Act".

§ 169-a. Definitions. As used in this article, the following definitions apply:

1. "Drug dealer" includes any person who is convicted of any of the offenses set forth in subdivision two of this section. Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be counted for the purpose of this article as one conviction. Any conviction set aside pursuant to law is not a conviction for purposes of this article.

2. "Drug offense" means a conviction of or a conviction for an attempt to commit any of the provisions of section 220.31, 220.34, 220.39, 220.41, 220.43, 220.44, 220.48, 220.65, 220.73, 220.74, 220.75 or 220.77 of article two hundred twenty of the penal law.

3. "Law enforcement agency having jurisdiction" means: (a) (i) the chief law enforcement officer in the village, town or city in which the dealer expects to reside upon discharge, probation, parole, release to post-release supervision or upon any form of state or local conditional release; or (ii) if there be no chief law enforcement officer in such village, town or city, the chief law enforcement officer of the county in which the dealer expects to reside; or (iii) if there be no chief enforcement officer in such village, town, city or county, the division of state police and (b) in the case of a drug dealer who is or expects to be employed by, enrolled in, attending or employed, whether for compensation or not, at an institution of higher education, (i) the chief law enforcement officer in the village, town or city in which such institution is located; or (ii) if there be no chief law enforcement officer in such village, town or city, the chief law enforcement officer of the county in which such institution is located; or (iii) if there be no chief law enforcement officer in such village, town, city or county, the division of state police; and (iv) if such institution operates or employs a campus law enforcement or security agency, the chief of such agency and (c) in the case of a drug dealer who expects to reside within a state park or on other land under the jurisdiction of the office of parks, recreation and historic preservation, the state regional park police.

4. "Division" means the division of criminal justice services as defined by section eight hundred thirty-seven of the executive law.

5. "Board" means the "board of examiners of drug dealers" established pursuant to section one hundred sixty-nine-1 of this article.

6. "Probation" means a sentence of probation imposed pursuant to article sixty-five of the penal law and shall include a sentence of imprisonment imposed in conjunction with a sentence of probation.

§ 169-b. Duties of the division; registration information. 1. The division shall establish and maintain a file of individuals required to register pursuant to the provisions of this article which shall include the following information of each registrant:

(a) The drug dealer's name, all aliases used, date of birth, sex, race, height, weight, eye color, driver's license number, home address and/or expected place of domicile.

1 (b) A photograph and set of fingerprints. For a drug dealer given a
2 level three designation, the division shall, during the period of regis-
3 tration, update such photograph once each year. For a drug dealer given
4 a level one or level two designation, the division shall, during the
5 period of registration, update such photograph once every three years.
6 The division shall notify the drug dealer by mail of the duty to appear
7 and be photographed at the specified law enforcement agency having
8 jurisdiction. Such notification shall be mailed at least thirty days and
9 not more than sixty days before the photograph is required to be taken
10 pursuant to subdivision two of section one hundred sixty-nine-f of this
11 article.

12 (c) A description of the offense for which the drug dealer was
13 convicted, the date of conviction and the sentence imposed including the
14 type of assigned supervision and the length of time of such supervision.

15 (d) The name and address of any institution of higher education at
16 which the drug dealer is or expects to be enrolled, attending or
17 employed, whether for compensation or not, and whether such dealer
18 resides in or will reside in a facility owned or operated by such insti-
19 tution.

20 (e) Any other information deemed pertinent by the division.

21 2. (a) The division is authorized to make the registry available to
22 any regional or national registry of drug dealers for the purpose of
23 sharing information. The division shall accept files from any regional
24 or national registry of drug dealers and shall make such files available
25 when requested pursuant to the provisions of this article.

26 (b) The division shall also make registry information available to:
27 (i) the department of health, to enable such department to identify
28 persons ineligible to receive reimbursement or coverage for drugs,
29 procedures or supplies pursuant to subdivision seven of section twenty-
30 five hundred ten of the public health law, paragraph (e) of subdivision
31 four of section three hundred sixty-five-a of the social services law,
32 and subdivision one of section two hundred forty-one of the elder law;
33 (ii) the department of financial services to enable such department to
34 identify persons ineligible to receive reimbursement or coverage for
35 drugs, procedures or supplies pursuant to subsection (b-1) of section
36 four thousand three hundred twenty-two and subsection (d-1) of section
37 four thousand three hundred twenty-six of the insurance law; and (iii) a
38 court, to enable the court to promptly comply with the provisions of
39 paragraph (a-1) of subdivision one of section two hundred forty of the
40 domestic relations law, subdivision (e) of section six hundred fifty-one
41 of the family court act, and subdivision (g) of section 81.19 of the
42 mental hygiene law.

43 (c) No official, agency, authorized person or entity, whether public
44 or private, shall be subject to any civil or criminal liability for
45 damages for any decision or action made in the ordinary course of busi-
46 ness of that official, agency, authorized person or entity pursuant to
47 paragraph (b) of this subdivision, provided that such official, agency,
48 authorized person or entity acted reasonably and in good faith with
49 respect to such registry information.

50 (d) The division shall require that no information included in the
51 registry shall be made available except in the furtherance of the
52 provisions of this article.

53 3. The division shall develop a standardized registration form to be
54 made available to the appropriate authorities and promulgate rules and
55 regulations to implement the provisions of this section. Such form shall

1 be written in clear and concise language and shall advise the drug deal-
2 er of their duties and obligations under this article.

3 4. The division shall mail a nonforwardable verification form to the
4 last reported address of the person for annual verification require-
5 ments.

6 5. The division shall also establish and operate a telephone number as
7 provided for in section one hundred sixty-nine-p of this article.

8 6. The division shall also establish a subdirectory pursuant to
9 section one hundred sixty-nine-q of this article.

10 7. The division shall also establish a public awareness campaign to
11 advise the public of the provisions of this article.

12 8. The division shall charge a fee of ten dollars each time a drug
13 dealer registers any change of address or any change of status of
14 enrollment, attendance, employment or residence at any institution of
15 higher education as required by subdivision four of section one hundred
16 sixty-nine-f of this article. The fee shall be paid to the division by
17 the drug dealer. The state comptroller is hereby authorized to deposit
18 such fees into the general fund.

19 9. The division shall, upon the request of any children's camp opera-
20 tor, release to such person any information in the registry relating to
21 a prospective employee of any such person or entity in accordance with
22 the provisions of this article. The division shall promulgate rules and
23 regulations relating to procedures for the release of information in the
24 registry to such persons.

25 10. The division shall make registry information available to municipi-
26 pal housing authorities to enable such authorities to identify persons
27 ineligible to reside in public housing. The division shall, at least
28 monthly, release to each municipal housing authority information about
29 drug dealers with a home address and/or expected place of domicile with-
30 in the corresponding municipality. The division may promulgate rules and
31 regulations relating to procedures for the release of information in the
32 registry to such authorities.

33 § 169-c. Drug dealer; relocation; notification. 1. In the case of any
34 drug dealer, it shall be the duty of the department, hospital or local
35 correctional facility at least ten calendar days prior to the release or
36 discharge of any drug dealer from a correctional facility, hospital or
37 local correctional facility to notify the division of the contemplated
38 release or discharge of such drug dealer, informing the division in
39 writing on a form provided by the division indicating the address at
40 which such drug dealer proposes to reside and the name and address of
41 any institution of higher education at which they expect to be enrolled,
42 attending or employed, whether for compensation or not, and whether such
43 drug dealer resides in or will reside in a facility owned or operated by
44 such institution. If such drug dealer changes the place of residence
45 while on parole, such notification of the change of residence shall be
46 sent by the drug dealer's parole officer within forty-eight hours to the
47 division on a form provided by the division. If such drug dealer changes
48 the status of enrollment, attendance, employment or residence at any
49 institution of higher education while on parole, such notification of
50 the change of status shall be sent by the drug dealer's parole officer
51 within forty-eight hours to the division on a form provided by the divi-
52 sion.

53 2. In the case of any drug dealer on probation, it shall be the duty
54 of the drug dealer's probation officer to notify the division within
55 forty-eight hours of the new place of residence on a form provided by
56 the division. If such drug dealer changes the status of enrollment,

1 attendance, employment or residence at any institution of higher educa-
2 tion while on probation, such notification of the change of status shall
3 be sent by the drug dealer's probation officer within forty-eight hours
4 to the division on a form provided by the division.

5 3. In the case in which any drug dealer escapes from a state or local
6 correctional facility or hospital, the designated official of the facil-
7 ity or hospital where the person was confined shall notify within twen-
8 ty-four hours the law enforcement agency having had jurisdiction at the
9 time of conviction, informing such law enforcement agency of the name
10 and aliases of the person, and the address at which they resided at the
11 time of conviction, the amount of time remaining to be served, if any,
12 on the full term for which they were sentenced, and the nature of the
13 crime for which they were sentenced, transmitting at the same time a
14 copy of such drug dealer's fingerprints and photograph and a summary of
15 their criminal record.

16 4. The division shall provide general information, in registration
17 materials and annual correspondence, to registrants concerning notifica-
18 tion and registration procedures that may apply if the registrant is
19 authorized to relocate and relocates to another state or United States
20 possession, or commences employment or attendance at an education insti-
21 tution in another state or United States possession. Such information
22 shall include addresses and telephone numbers for relevant agencies from
23 which additional information may be obtained.

24 § 169-d. Duties of the court. 1. Upon conviction of any of the
25 offenses set forth in subdivision two of section one hundred
26 sixty-nine-a of this article the court shall certify that the person is
27 a drug dealer and shall include the certification in the order of
28 commitment, if any, and judgment of conviction. The court shall also
29 advise the drug dealer of their duties under this article. Failure to
30 include the certification in the order of commitment or the judgment of
31 conviction shall not relieve a drug dealer of the obligations imposed by
32 this article.

33 2. Any drug dealer, who is released on probation or discharged upon
34 payment of a fine, conditional discharge or unconditional discharge
35 shall, prior to such release or discharge, be informed of the duty to
36 register under this article by the court in which they were convicted.
37 At the time sentence is imposed, such drug dealer shall register with
38 the division on a form prepared by the division. The court shall require
39 the drug dealer to read and sign such form and to complete the registra-
40 tion portion of such form. The court shall on such form obtain the
41 address where the drug dealer expects to reside upon release, and the
42 name and address of any institution of higher education such drug dealer
43 expects to be employed by, enrolled in, attending or employed. The court
44 shall give one copy of the form to the drug dealer and shall send two
45 copies to the division which shall forward the information to the law
46 enforcement agencies having jurisdiction. The court shall also notify
47 the district attorney and the drug dealer of the date of the determi-
48 nation proceeding to be held pursuant to subdivision three of this
49 section, which shall be held at least forty-five days after such notice
50 is given. This notice shall include the following statement or a
51 substantially similar statement: "This proceeding is being held to
52 determine whether you will be classified as a level 3 dealer (risk of
53 repeat offense is high), a level 2 dealer (risk of repeat offense is
54 moderate), or a level 1 dealer (risk of repeat offense is low), which
55 will determine how long you must register as a drug dealer and how much
56 information can be provided to the public concerning your registration.

1 If you fail to appear at this proceeding, without sufficient excuse, it
2 shall be held in your absence. Failure to appear may result in a longer
3 period of registration or a higher level of community notification
4 because you are not present to offer evidence or contest evidence
5 offered by the district attorney." The court shall also advise the drug
6 dealer of a right to a hearing prior to the court's determination, that
7 such drug dealer has the right to be represented by counsel at the hear-
8 ing and that counsel will be appointed if they are financially unable to
9 retain counsel. If the drug dealer applies for assignment of counsel to
10 represent them at the hearing and counsel was not previously assigned to
11 represent the drug dealer in the underlying criminal action, the court
12 shall determine whether the dealer is financially unable to retain coun-
13 sel. If such a finding is made, the court shall assign counsel to
14 represent the drug dealer pursuant to article eighteen-B of the county
15 law. Where the court orders a drug dealer released on probation, such
16 order must include a provision requiring that such drug dealer comply
17 with the requirements of this article. Where such drug dealer violates
18 such provision, probation may be immediately revoked in the manner
19 provided by article four hundred ten of the criminal procedure law.

20 3. For drug dealers released on probation or discharged upon payment
21 of a fine, conditional discharge or unconditional discharge, it shall be
22 the duty of the court applying the guidelines established in subdivision
23 five of section one hundred sixty-nine-1 of this article to determine
24 the level of notification pursuant to subdivision six of section one
25 hundred sixty-nine-1 of this article. At least fifteen days prior to
26 the determination proceeding, the district attorney shall provide to the
27 court and the drug dealer a written statement setting forth the determi-
28 nations sought by the district attorney together with the reasons for
29 seeking such determinations. The court shall allow the drug dealer to
30 appear and be heard. The state shall appear by the district attorney, or
31 such district attorney's designee, who shall bear the burden of proving
32 the facts supporting the determinations sought by clear and convincing
33 evidence. Where there is a dispute between the parties concerning the
34 determinations, the court shall adjourn the hearing as necessary to
35 permit the drug dealer or the district attorney to obtain materials
36 relevant to the determinations from any state or local facility, hospi-
37 tal, institution, office, agency, department or division. Such materials
38 may be obtained by subpoena if not voluntarily provided to the request-
39 ing party. In making the determinations, the court shall review any
40 victim's statement and any relevant materials and evidence submitted by
41 the drug dealer and the district attorney and the court may consider
42 reliable hearsay evidence submitted by either party provided that it is
43 relevant to the determinations. Facts previously proven at trial or
44 elicited at the time of entry of a plea of guilty shall be deemed estab-
45 lished by clear and convincing evidence and shall not be re-litigated.
46 The court shall render an order setting forth its determinations and the
47 findings of fact and conclusions of law on which the determinations are
48 based. A copy of the order shall be submitted by the court to the divi-
49 sion. Upon application of either party, the court shall seal any portion
50 of the court file or record which contains material that is confidential
51 under any state or federal statute. Either party may appeal as of right
52 from the order pursuant to the provisions of articles fifty-five,
53 fifty-six and fifty-seven of the civil practice law and rules. Where
54 counsel has been assigned to represent the drug dealer upon the ground
55 that the drug dealer is financially unable to retain counsel, that
56 assignment shall be continued throughout the pendency of the appeal, and

1 the person may appeal as a poor person pursuant to article eighteen-B of
2 the county law.

3 4. If a drug dealer, having been given notice, including the time and
4 place of the determination proceeding in accordance with this section,
5 fails to appear at this proceeding, without sufficient excuse, the court
6 shall conduct the hearing and make the determinations in the manner set
7 forth in subdivision three of this section.

8 § 169-e. Discharge of drug dealer from correctional facility; duties
9 of official in charge. 1. Any drug dealer, to be discharged, paroled,
10 released to post-release supervision or released from any state or local
11 correctional facility, hospital or institution where they were confined
12 or committed, shall at least fifteen calendar days prior to discharge,
13 parole or release, be informed of the duty to register under this arti-
14 cle, by the facility in which they were confined or committed. The
15 facility shall require the drug dealer to read and sign such form as may
16 be required by the division stating the duty to register and the proce-
17 dure for registration has been explained to them and to complete the
18 registration portion of such form. The facility shall obtain on such
19 form the address where the drug dealer expects to reside upon discharge,
20 parole or release and the name and address of any institution of higher
21 education such drug dealer expects to be employed by, enrolled in,
22 attending or employed, whether for compensation or not. The facility
23 shall give one copy of the form to the drug dealer, retain one copy and
24 shall send one copy to the division which shall provide the information
25 to the law enforcement agencies having jurisdiction. The facility shall
26 give the drug dealer a form prepared by the division, to register with
27 the division at least fifteen calendar days prior to release and such
28 form shall be completed, signed by the drug dealer and sent to the divi-
29 sion by the facility at least ten days prior to the drug dealer's
30 release or discharge.

31 2. The division shall also immediately transmit the conviction data
32 and fingerprints to the Federal Bureau of Investigation if not already
33 obtained.

34 § 169-f. Duty to register and to verify. 1. Any drug dealer shall, (a)
35 at least ten calendar days prior to discharge, parole, release to post-
36 release supervision or release from any state or local correctional
37 facility, hospital or institution where they were confined or committed,
38 or, (b) at the time sentence is imposed for any drug dealer released on
39 probation or discharged upon payment of a fine, conditional discharge or
40 unconditional discharge, register with the division on a form prepared
41 by the division.

42 2. For a drug dealer required to register under this article on each
43 anniversary of the drug dealer's initial registration date during the
44 period in which they are required to register under this section the
45 following applies:

46 (a) The drug dealer shall mail the verification form to the division
47 within ten calendar days after receipt of the form.

48 (b) The verification form shall be signed by the drug dealer, and
49 state that they still reside at the address last reported to the divi-
50 sion.

51 (c) If the drug dealer has been given a level two or three desig-
52 nation, such dealer shall sign the verification form, and state that
53 they still are employed at the address last reported to the division.

54 (d) If the drug dealer has been given a level three designation, they
55 shall personally appear at the law enforcement agency having jurisdic-
56 tion within twenty days of the first anniversary of the drug dealer's

1 initial registration and every year thereafter during the period of
2 registration for the purpose of providing a current photograph of such
3 dealer. The law enforcement agency having jurisdiction shall photograph
4 the drug dealer and shall promptly forward a copy of such photograph to
5 the division. For purposes of this paragraph, if such drug dealer is
6 confined in a state or local correctional facility, the local law
7 enforcement agency having jurisdiction shall be the warden, superinten-
8 dent, sheriff or other person in charge of the state or local correc-
9 tional facility.

10 (e) If the drug dealer has been given a level one or level two desig-
11 nation, they shall personally appear at the law enforcement agency
12 having jurisdiction within twenty days of the third anniversary of the
13 drug dealer's initial registration and every three years thereafter
14 during the period of registration for the purpose of providing a current
15 photograph of such dealer. The law enforcement agency having jurisdic-
16 tion shall photograph the drug dealer and shall promptly forward a copy
17 of such photograph to the division. For purposes of this paragraph, if
18 such drug dealer is confined in a state or local correctional facility,
19 the local law enforcement agency having jurisdiction shall be the ward-
20 en, superintendent, sheriff or other person in charge of the state or
21 local correctional facility.

22 (f) If the drug dealer fails to mail the signed verification form to
23 the division within ten calendar days after receipt of the form, they
24 shall be in violation of this section unless they prove that they have
25 not changed their residence address.

26 (g) If the drug dealer, to whom a notice has been mailed at the last
27 reported address pursuant to paragraph (b) of subdivision one of section
28 one hundred sixty-nine-b of this article, fails to personally appear at
29 the law enforcement agency having jurisdiction, as provided in paragraph
30 (d) or (e) of this subdivision, within twenty days of the anniversary of
31 the drug dealer's initial registration, or an alternate later date sche-
32 duled by the law enforcement agency having jurisdiction, they shall be
33 in violation of this section. The duty to personally appear for such
34 updated photograph shall be temporarily suspended during any period in
35 which the drug dealer is confined in any hospital or institution, and
36 such drug dealer shall personally appear for such updated photograph no
37 later than ninety days after release from such hospital or institution,
38 or an alternate later date scheduled by the law enforcement agency
39 having jurisdiction.

40 3. The duty to register under the provisions of this article shall not
41 be applicable to any drug dealer whose conviction was reversed upon
42 appeal or who was pardoned by the governor.

43 4. Any drug dealer shall register with the division no later than ten
44 calendar days after any change of address, or any change of their status
45 of enrollment, attendance, employment or residence at any institution of
46 higher education. A fee of ten dollars, as authorized by subdivision
47 eight of section one hundred sixty-nine-b of this article, shall be
48 submitted by the drug dealer each time such dealer registers any change
49 of address or any change of their status of enrollment, attendance,
50 employment or residence at any institution of higher education. Any
51 failure or omission to submit the required fee shall not affect the
52 acceptance by the division of the change of address or change of status.

53 § 169-g. Prior convictions; duty to inform and register. 1. The
54 department or office of probation and correctional alternatives in
55 accordance with risk factors pursuant to section one hundred
56 sixty-nine-1 of this article shall determine the duration of registra-

1 tion and notification for every drug dealer who on the effective date of
2 this article is then on community supervision or probation for an
3 offense provided for in subdivision two of section one hundred sixty-
4 nine-a of this article.

5 2. Every drug dealer who on the effective date of this article is then
6 on community supervision or probation for an offense provided for in
7 subdivision two of section one hundred sixty-nine-a of this article
8 shall within ten calendar days of such determination register with their
9 parole or probation officer. On each anniversary of the drug dealer's
10 initial registration date thereafter, the provisions of section one
11 hundred sixty-nine-f of this article shall apply. Any drug dealer who
12 fails or refuses to so comply shall be subject to the same penalties as
13 otherwise provided for in this article which would be imposed upon a
14 drug dealer who fails or refuses to so comply with the provisions of
15 this article on or after such effective date.

16 3. It shall be the duty of the parole or probation officer to inform
17 and register such drug dealer according to the requirements imposed by
18 this article. A parole or probation officer shall give one copy of the
19 form to the drug dealer and shall, within three calendar days, send two
20 copies electronically or otherwise to the department which shall forward
21 one copy electronically or otherwise to the law enforcement agency
22 having jurisdiction where the drug dealer resides upon their community
23 supervision, probation, or local conditional release.

24 4. A petition for relief from this section is permitted to any drug
25 dealer required to register while released to community supervision or
26 probation pursuant to section one hundred sixty-nine-o of this article.

27 § 169-h. Duration of registration and verification. 1. The duration of
28 registration and verification for a drug dealer shall be annually for a
29 period of twenty years from the initial date of registration.

30 2. Any drug dealer having been designated a level three risk shall
31 also personally verify their address every ninety calendar days with the
32 local law enforcement agency having jurisdiction where the dealer
33 resides.

34 § 169-i. Registration and verification requirements. Registration and
35 verification as required by this article shall consist of a statement in
36 writing signed by the drug dealer giving the information that is
37 required by the division and the division shall enter the information
38 into an appropriate electronic data base or file.

39 § 169-j. Notification of local law enforcement agencies of change of
40 address. 1. Upon receipt of a change of address by a drug dealer
41 required to register under this article, the division shall notify the
42 local law enforcement agency having jurisdiction of the new place of
43 residence and the local law enforcement agency where the drug dealer
44 last resided of the new place of residence.

45 2. Upon receipt of change of address information, the local law
46 enforcement agency having jurisdiction of the new place of residence
47 shall adhere to the notification provisions set forth in subdivision six
48 of section one hundred sixty-nine-l of this article.

49 3. The division shall, if the drug dealer changes residence to another
50 state, notify the appropriate agency within that state of the new place
51 of residence.

52 4. Upon receipt of a change in the status of the enrollment, attend-
53 ance, employment or residence at an institution of higher education by a
54 drug dealer required to register under this article, the division shall
55 notify each law enforcement agency having jurisdiction which is affected
56 by such change.

1 5. Upon receipt of change in the status of the enrollment, attendance,
2 employment or residence at an institution of higher education by a drug
3 dealer required to register under this article, each law enforcement
4 agency having jurisdiction shall adhere to the notification provisions
5 set forth in subdivision six of section one hundred sixty-nine-1 of this
6 article.

7 § 169-k. Registration for change of address from another state. 1. A
8 drug dealer who has been convicted of an offense under subdivision two
9 of section one hundred sixty-nine-a of this article and requires regis-
10 tration shall notify the division of the new address no later than ten
11 calendar days after such drug dealer establishes residence in this
12 state.

13 2. The division shall advise the board that the drug dealer has estab-
14 lished residence in this state. The board shall determine whether the
15 drug dealer is required to register with the division. If it is deter-
16 mined that the drug dealer is required to register, the division shall
17 notify the drug dealer of the duty to register under this article and
18 shall require the drug dealer to sign a form as may be required by the
19 division acknowledging that the duty to register and the procedure for
20 registration has been explained to the drug dealer. The division shall
21 obtain on such form the address where the drug dealer expects to reside
22 within the state and the drug dealer shall retain one copy of the form
23 and send two copies to the division which shall provide the information
24 to the law enforcement agency having jurisdiction where the drug dealer
25 expects to reside within this state. No later than thirty days prior to
26 the board making a recommendation, the drug dealer shall be notified
27 that their case is under review and that they are is permitted to submit
28 to the board any information relevant to the review. After reviewing any
29 information obtained, and applying the guidelines established in subdi-
30 vision five of section one hundred sixty-nine-1 of this article, the
31 board shall within sixty calendar days make a recommendation regarding
32 the level of notification pursuant to subdivision six of section one
33 hundred sixty-nine-1 of this article. This recommendation shall be
34 confidential and shall not be available for public inspection. It shall
35 be submitted by the board to the county court or supreme court and to
36 the district attorney in the county of residence of the drug dealer and
37 to the drug dealer. It shall be the duty of the county court or supreme
38 court in the county of residence of the drug dealer, applying the guide-
39 lines established in subdivision five of section one hundred
40 sixty-nine-1 of this article, to determine the level of notification
41 pursuant to subdivision six of section one hundred sixty-nine-1 of this
42 article. At least thirty days prior to the determination proceeding,
43 such court shall notify the district attorney and the drug dealer, in
44 writing, of the date of the determination proceeding and the court shall
45 also provide the district attorney and drug dealer with a copy of the
46 recommendation received from the board and any statement of the reasons
47 for the recommendation received from the board. This notice shall
48 include the following statement or a substantially similar statement:
49 "This proceeding is being held to determine whether you will be classi-
50 fied as a level 3 dealer (risk of repeat offense is high), a level 2
51 dealer (risk of repeat offense is moderate), or a level 1 dealer (risk
52 of repeat offense is low), which will determine how long you must regis-
53 ter as a drug dealer and how much information can be provided to the
54 public concerning your registration. If you fail to appear at this
55 proceeding, without sufficient excuse, it shall be held in your absence.
56 Failure to appear may result in a longer period of registration or a

1 higher level of community notification because you are not present to
2 offer evidence or contest evidence offered by the district attorney."
3 The court shall also advise the drug dealer that they have a right to a
4 hearing prior to the court's determination, that they have the right to
5 be represented by counsel at the hearing and that counsel will be
6 appointed if financially unable to retain counsel. A returnable form
7 shall be enclosed in the court's notice to the drug dealer on which the
8 drug dealer may apply for assignment of counsel. If the drug dealer
9 applies for assignment of counsel and the court finds that the dealer is
10 financially unable to retain counsel, the court shall assign counsel to
11 represent the drug dealer pursuant to article eighteen-B of the county
12 law. If the district attorney seeks a determination that differs from
13 the recommendation submitted by the board, at least ten days prior to
14 the determination proceeding the district attorney shall provide to the
15 court and the drug dealer a statement setting forth the determinations
16 sought by the district attorney together with the reasons for seeking
17 such determinations. The court shall allow the drug dealer to appear and
18 be heard. The state shall appear by the district attorney, or their
19 designee, who shall bear the burden of proving the facts supporting the
20 determinations sought by clear and convincing evidence. It shall be the
21 duty of the court applying the guidelines established in subdivision
22 five of section one hundred sixty-nine-1 of this article to determine
23 the level of notification pursuant to subdivision six of section one
24 hundred sixty-nine-1 of this article. Where there is a dispute between
25 the parties concerning the determinations, the court shall adjourn the
26 hearing as necessary to permit the drug dealer or the district attorney
27 to obtain materials relevant to the determinations from the state board
28 of examiners of drug dealers or any state or local facility, hospital,
29 institution, office, agency, department or division. Such materials may
30 be obtained by subpoena if not voluntarily provided to the requesting
31 party. In making the determinations the court shall review any relevant
32 materials and evidence submitted by the drug dealer and the district
33 attorney and the recommendation and any material submitted by the board,
34 and may consider reliable hearsay evidence submitted by either party,
35 provided that it is relevant to the determinations. If available, facts
36 proven at trial or elicited at the time of a plea of guilty shall be
37 deemed established by clear and convincing evidence and shall not be
38 re-litigated. The court shall render an order setting forth its determi-
39 nations and the findings of fact and conclusions of law on which the
40 determinations are based. A copy of the order shall be submitted by the
41 court to the division. Upon application of either party, the court
42 shall seal any portion of the court file or record which contains mate-
43 rial that is confidential under any state or federal statute. Either
44 party may appeal as of right from the order pursuant to the provisions
45 of articles fifty-five, fifty-six and fifty-seven of the civil practice
46 law and rules. Where counsel has been assigned to represent the drug
47 dealer upon the ground that the drug dealer is financially unable to
48 retain counsel, that assignment shall be continued throughout the
49 pendency of the appeal, and the person may appeal as a poor person
50 pursuant to article eighteen-B of the county law.

51 3. The division shall undertake an information campaign designed to
52 provide information to officials and appropriate individuals in other
53 states and United States possessions concerning the notification proce-
54 dures required by this article. Such information campaign shall be ongo-
55 ing, and shall include, but not be limited to, letters, notice forms and
56 similar materials providing relevant information about this article and

1 the specific procedures required to effect notification. Such materials
2 shall include an address and telephone number which such officials and
3 individuals in other states and United States possessions may use to
4 obtain additional information.

5 4. If a drug dealer, having been given notice, including the time and
6 place of the determination proceeding in accordance with this section,
7 fails to appear at this proceeding, without sufficient excuse, the court
8 shall conduct the hearing and make the determinations in the manner set
9 forth in subdivision two of this section.

10 § 169-1. Board of examiners of drug dealers. 1. There shall be a board
11 of examiners of drug dealers which shall possess the powers and duties
12 hereinafter specified. Such board shall consist of five members
13 appointed by the governor. All members shall be employees of the depart-
14 ment and shall be experts in the field of the behavior and treatment of
15 drug dealers. The term of office of each member of such board shall be
16 for six years; provided, however, that any member chosen to fill a
17 vacancy occurring otherwise than by expiration of term shall be
18 appointed for the remainder of the unexpired term of the member whom
19 they are to succeed. In the event of the inability to act of any member,
20 the governor may appoint some competent informed person to act in their
21 stead during the continuance of such disability.

22 2. The governor shall designate one of the members of the board as
23 chair to serve in such capacity at the pleasure of the governor or until
24 the member's term of office expires and a successor is designated in
25 accordance with law, whichever first occurs.

26 3. Any member of the board may be removed by the governor for cause
27 after an opportunity to be heard.

28 4. Except as otherwise provided by law, a majority of the board shall
29 constitute a quorum for the transaction of all business of the board.

30 5. The board shall develop guidelines and procedures to assess the
31 risk of a repeat offense by such drug dealer and the threat posed to the
32 public safety. Such guidelines shall be based upon, but not limited to,
33 the following:

34 (a) criminal history factors indicative of high risk of repeat
35 offense, including:

36 (i) whether the drug dealer served the maximum term;

37 (ii) whether the drug dealer sold drugs to a minor;

38 (iii) the amount of drugs sold; and

39 (iv) the age of the drug dealer at the time of the commission of the
40 first drug sale;

41 (b) other criminal history factors to be considered in determining
42 risk, including the number, date and nature of prior offenses;

43 (c) conditions of release that minimize risk of re-offense, including
44 but not limited to whether the drug dealer is under supervision or
45 residing in a home situation that provides guidance and supervision; and

46 (d) recent behavior, including behavior while confined.

47 6. The guidelines shall be applied by the board to make a recommenda-
48 tion to the sentencing court which shall be confidential and shall not
49 be available for public inspection, providing for one of the following
50 three levels of notification depending upon the degree of the risk of
51 re-offense by the drug dealer.

52 (a) If the risk of repeat offense is low, a level one designation
53 shall be given to such drug dealer. In such case the law enforcement
54 agency or agencies having jurisdiction and the law enforcement agency or
55 agencies having had jurisdiction at the time of conviction shall be
56 notified and may disseminate relevant information which may include a

1 photograph and description of the dealer and which may include the name
2 of the drug dealer, approximate address based on the drug dealer's zip
3 code, background information including the dealer's crime of conviction,
4 modus of operation, and the name and address of any institution of high-
5 er education at which the drug dealer is enrolled, attends, is employed
6 or resides.

7 (b) If the risk of repeat offense is moderate, a level two designation
8 shall be given to such drug dealer. In such case the law enforcement
9 agency or agencies having jurisdiction and the law enforcement agency or
10 agencies having had jurisdiction at the time of conviction shall be
11 notified and may disseminate relevant information which shall include a
12 photograph and description of the dealer and which may include the exact
13 name and any aliases used by the drug dealer, exact address, background
14 information including the dealer's crime of conviction, mode of opera-
15 tion, and the name and address of any institution of higher education at
16 which the drug dealer is enrolled, attends, is employed or resides.

17 (c) If the risk of repeat offense is high and there exists a threat to
18 the public safety a level three designation shall be given to such drug
19 dealer. In such case, the law enforcement agency or agencies having
20 jurisdiction and the law enforcement agency or agencies having had
21 jurisdiction at the time of conviction shall be notified and may dissem-
22 inate relevant information which shall include a photograph and
23 description of the dealer and which may include the drug dealer's exact
24 name and any aliases used by the dealer, exact address, address of the
25 dealer's place of employment, background information including the deal-
26 er's crime of conviction, mode of operation, and the name and address of
27 any institution of higher education at which the drug dealer is
28 enrolled, attends, is employed or resides.

29 7. Upon request by the court, pursuant to section one hundred sixty-
30 nine-o of this article, the board shall provide an updated report
31 pertaining to the drug dealer petitioning for relief of the duty to
32 register or for a modification of the level of notification.

33 8. A failure by a state or local agency or the board to act or by a
34 court to render a determination within the time period specified in this
35 article shall not affect the obligation of the drug dealer to register
36 or verify under this article nor shall such failure prevent a court from
37 making a determination regarding the drug dealer's level of notification
38 and whether such dealer is required by law to be registered for a period
39 of twenty years or for life. Where a court is unable to make a determi-
40 nation prior to the date scheduled for a drug dealer's discharge,
41 parole, release to post-release supervision or release, it shall adjourn
42 the hearing until after the dealer is discharged, paroled, released to
43 post-release supervision or released, and shall then expeditiously
44 complete the hearing and issue its determination.

45 § 169-m. Review. Notwithstanding any other provision of law to the
46 contrary, any state or local correctional facility, hospital or institu-
47 tion, district attorney, law enforcement agency, probation department,
48 state board of parole, court or child protective agency shall forward
49 relevant information pertaining to a drug dealer to be discharged,
50 paroled, released to post-release supervision or released to the board
51 for review no later than one hundred twenty days prior to the release or
52 discharge and the board shall make recommendations as provided in subdi-
53 vision six of section one hundred sixty-nine-l of this article within
54 sixty days of receipt of the information. Information may include, but
55 may not be limited to all or a portion of the arrest file, prosecutor's
56 file, probation or parole file, child protective file, court file,

1 commitment file, medical file and treatment file pertaining to such
2 person. Such person shall be permitted to submit to the board any infor-
3 mation relevant to the review. Upon application of the drug dealer or
4 the district attorney, the court shall seal any portion of the board's
5 file pertaining to the drug dealer that contains material that is confi-
6 dential under any state or federal law; provided, however, that in any
7 subsequent proceedings in which the drug dealer who is the subject of
8 the sealed record is a party and which requires the board to provide a
9 recommendation to the court pursuant to this article, such sealed record
10 shall be available to the drug dealer, the district attorney, the court
11 and the attorney general where the attorney general is a party, or
12 represents a party, in the proceeding.

13 § 169-n. Judicial determination. 1. Applying the guidelines estab-
14 lished in subdivision five of section one hundred sixty-nine-1 of this
15 article, the sentencing court shall make a determination with respect to
16 the level of notification, after receiving a recommendation from the
17 board pursuant to section one hundred sixty-nine-1 of this article.
18 Both determinations of the sentencing court shall be made thirty calen-
19 dar days prior to discharge, parole or release.

20 2. No later than thirty days prior to the board's recommendation, the
21 drug dealer shall be notified that their case is under review and that
22 they are permitted to submit to the board any information relevant to
23 the review. Upon receipt of the board's recommendation, the sentencing
24 court shall determine whether the drug dealer was previously found to be
25 eligible for assigned counsel in the underlying case. Where such a find-
26 ing was previously made, the court shall assign counsel to represent the
27 dealer, pursuant to article eighteen-B of the county law. At least twen-
28 ty days prior to the determination proceeding, the sentencing court
29 shall notify the district attorney, the drug dealer and the drug deal-
30 er's counsel, in writing, of the date of the determination proceeding
31 and shall also provide the district attorney, the drug dealer and the
32 drug dealer's counsel with a copy of the recommendation received from
33 the board and any statement of the reasons for the recommendation
34 received from the board. This notice shall include the following state-
35 ment or a substantially similar statement: "This proceeding is being
36 held to determine whether you will be classified as a level 3 dealer
37 (risk of repeat offense is high), a level 2 dealer (risk of repeat
38 offense is moderate), or a level 1 dealer (risk of repeat offense is
39 low), which will determine how long you must register as a drug dealer
40 and how much information can be provided to the public concerning your
41 registration. If you fail to appear at this proceeding, without suffi-
42 cient excuse, it shall be held in your absence. Failure to appear may
43 result in a longer period of registration or a higher level of community
44 notification because you are not present to offer evidence or contest
45 evidence offered by the district attorney." The written notice to the
46 drug dealer shall also advise the dealer of a right to a hearing prior
47 to the court's determination, and that they have the right to be repres-
48 ented by counsel at the hearing. If counsel has been assigned to repre-
49 sent the dealer at the determination proceeding, the notice shall also
50 provide the name, address and telephone number of the assigned counsel.
51 Where counsel has not been assigned, the notice shall advise the drug
52 dealer that counsel will be appointed if they are financially unable to
53 retain counsel, and a returnable form shall be enclosed in the court's
54 notice to the drug dealer on which the drug dealer may apply for assign-
55 ment of counsel. If the drug dealer applies for assignment of counsel
56 and the court finds that the dealer is financially unable to retain

counsel, the court shall assign counsel to represent the drug dealer pursuant to article eighteen-B of the county law. If the district attorney seeks a determination that differs from the recommendation submitted by the board, at least ten days prior to the determination proceeding the district attorney shall provide to the court and the drug dealer a statement setting forth the determinations sought by the district attorney together with the reasons for seeking such determinations. The court shall allow the drug dealer to appear and be heard. The state shall appear by the district attorney, or their designee, who shall bear the burden of proving the facts supporting the determinations sought by clear and convincing evidence. Where there is a dispute between the parties concerning the determinations, the court shall adjourn the hearing as necessary to permit the drug dealer or the district attorney to obtain materials relevant to the determinations from the state board of examiners of drug dealers or any state or local facility, hospital, institution, office, agency, department or division. Such materials may be obtained by subpoena if not voluntarily provided to the requesting party. In making the determinations the court shall review any relevant materials and evidence submitted by the drug dealer and the district attorney and the recommendation and any materials submitted by the board, and may consider reliable hearsay evidence submitted by either party, provided that it is relevant to the determinations. Facts previously proven at trial or elicited at the time of entry of a plea of guilty shall be deemed established by clear and convincing evidence and shall not be relitigated. The court shall render an order setting forth its determinations and the findings of fact and conclusions of law on which the determinations are based. A copy of the order shall be submitted by the court to the division. Upon application of either party, the court shall seal any portion of the court file or record which contains material that is confidential under any state or federal statute. Either party may appeal as of right from the order pursuant to the provisions of articles fifty-five, fifty-six and fifty-seven of the civil practice law and rules. Where counsel has been assigned to represent the drug dealer upon the ground that the drug dealer is financially unable to retain counsel, that assignment shall be continued throughout the pendency of the appeal, and the person may appeal as a poor person pursuant to article eighteen-B of the county law.

3. Upon determination that the risk of repeat offense and threat to public safety is high, the sentencing court shall also notify the division of such fact for the purposes of section one hundred sixty-nine-q of this article.

4. Upon the reversal of a conviction of a drug offense defined in subdivision two of section one hundred sixty-nine-a of this article, the appellate court shall remand the case to the lower court for entry of an order directing the expungement of any records required to be kept herein.

5. If a drug dealer, having been given notice, including the time and place of the determination proceeding in accordance with this section, fails to appear at this proceeding, without sufficient excuse, the court shall conduct the hearing and make the determinations in the manner set forth in subdivision three of this section.

§ 169-o. Petition for relief or modification. 1. Any drug dealer who is classified as a level two risk, who is required to register or verify pursuant to this article and who has been registered for a minimum period of thirty years may be relieved of any further duty to register upon the granting of a petition for relief by the sentencing court or by the

1 court which made the determination regarding duration of registration
2 and level of notification. The drug dealer shall bear the burden of
3 proving by clear and convincing evidence that their risk of repeat
4 offense is no longer necessary. Such petition, if granted, shall not
5 relieve the petitioner of the duty to register pursuant to this article
6 upon conviction of any offense requiring registration in the future.
7 Such a petition shall not be considered more than once every two years.
8 In the event that the drug dealer's petition for relief is granted, the
9 district attorney may appeal as of right from the order pursuant to the
10 provisions of articles fifty-five, fifty-six and fifty-seven of the
11 civil practice law and rules. Where counsel has been assigned to repre-
12 sent the drug dealer upon the ground that the drug dealer is financially
13 unable to retain counsel, that assignment shall be continued throughout
14 the pendency of the appeal, and the person may appeal as a poor person
15 pursuant to article eighteen-B of the county law.

16 2. Any drug dealer required to register or verify pursuant to this
17 article may petition the sentencing court or the court which made the
18 determination regarding the level of notification for an order modifying
19 the level of notification. The petition shall set forth the level of
20 notification sought, together with the reasons for seeking such determi-
21 nation. The drug dealer shall bear the burden of proving the facts
22 supporting the requested modification by clear and convincing evidence.
23 Such a petition shall not be considered more than annually. In the
24 event that the drug dealer's petition to modify the level of notifica-
25 tion is granted, the district attorney may appeal as of right from the
26 order pursuant to the provisions of articles fifty-five, fifty-six and
27 fifty-seven of the civil practice law and rules. Where counsel has been
28 assigned to represent the drug dealer upon the ground that the drug
29 dealer is financially unable to retain counsel, that assignment shall be
30 continued throughout the pendency of the appeal, and the person may
31 appeal as a poor person pursuant to article eighteen-B of the county
32 law.

33 3. The district attorney may file a petition to modify the level of
34 notification for a drug dealer with the sentencing court or with the
35 court which made the determination regarding the level of notification,
36 where the drug dealer (a) has been convicted of a new crime, or there
37 has been a determination after a proceeding pursuant to section 410.70
38 of the criminal procedure law or section two hundred fifty-nine-i of the
39 executive law that the drug dealer has violated one or more conditions
40 imposed as part of a sentence of a conditional discharge, probation,
41 parole or post-release supervision for a designated crime, and (b) the
42 conduct underlying the new crime or the violation is of a nature that
43 indicates an increased risk of a repeat drug offense. The petition shall
44 set forth the level of notification sought, together with the reasons
45 for seeking such determination. The district attorney shall bear the
46 burden of proving the facts supporting the requested modification, by
47 clear and convincing evidence. In the event that the district attorney's
48 petition is granted, the drug dealer may appeal as of right from the
49 order, pursuant to the provisions of articles fifty-five, fifty-six and
50 fifty-seven of the civil practice law and rules. Where counsel has been
51 assigned to represent the dealer upon the ground that they are finan-
52 cially unable to retain counsel, that assignment shall be continued
53 throughout the pendency of the appeal, and the person may proceed as a
54 poor person, pursuant to article eighteen-B of the county law.

55 4. Upon receipt of a petition submitted pursuant to subdivision one,
56 two or three of this section, the court shall forward a copy of the

1 petition to the board and request an updated recommendation pertaining
2 to the drug dealer and shall provide a copy of the petition to the other
3 party. The court shall also advise the drug dealer of the right to be
4 represented by counsel at the hearing and counsel will be appointed if
5 financially unable to retain counsel. A returnable form shall be
6 enclosed in the court's notice to the drug dealer on which the drug
7 dealer may apply for assignment of counsel. If the drug dealer applies
8 for assignment of counsel and the court finds that the dealer is finan-
9 cially unable to retain counsel, the court shall assign counsel to
10 represent the dealer, pursuant to article eighteen-B of the county law.
11 Where the petition was filed by a district attorney, at least thirty
12 days prior to making an updated recommendation the board shall notify
13 the drug dealer and their counsel that the dealer's case is under review
14 and they are permitted to submit to the board any information relevant
15 to the review. The board's updated recommendation on the drug dealer
16 shall be confidential and shall not be available for public inspection.
17 After receiving an updated recommendation from the board concerning a
18 drug dealer, the court shall, at least thirty days prior to ruling upon
19 the petition, provide a copy of the updated recommendation to the drug
20 dealer, the drug dealer's counsel and the district attorney and notify
21 them, in writing, of the date set by the court for a hearing on the
22 petition. After reviewing the recommendation received from the board and
23 any relevant materials and evidence submitted by the drug dealer and the
24 district attorney, the court may grant or deny the petition. The court
25 may also consult with the victim prior to making a determination on the
26 petition. The court shall render an order setting forth its determi-
27 nation, and the findings of fact and conclusions of law on which the
28 determination is based. If the petition is granted, it shall be the
29 obligation of the court to submit a copy of its order to the division.
30 Upon application of either party, the court shall seal any portion of
31 the court file or record which contains material that is confidential
32 under any state or federal statute.

33 § 169-p. Special telephone number. 1. Pursuant to section one hundred
34 sixty-nine-b of this article, the division shall also operate a tele-
35 phone number that members of the public may call free of charge and
36 inquire whether a named individual required to register pursuant to this
37 article is listed. The division shall ascertain whether a named person
38 reasonably appears to be a person so listed and provide the caller with
39 the relevant information according to risk as described in subdivision
40 six of section one hundred sixty-nine-1 of this article. The division
41 shall decide whether the named person reasonably appears to be a person
42 listed, based upon information from the caller providing information
43 that shall include (a) an exact street address, including apartment
44 number, driver's license number or birth date, along with additional
45 information that may include social security number, hair color, eye
46 color, height, weight, distinctive markings, ethnicity; or (b) any
47 combination of the above listed characteristics if an exact birth date
48 or address is not available. If three of the characteristics provided
49 include ethnicity, hair color, and eye color, other identifying charac-
50 teristics shall be provided.

51 2. When the telephone number is called, a preamble shall be played
52 which shall provide the following information:

53 (a) notice that the caller's telephone number will be recorded;

54 (b) notice that there is no charge for use of the telephone number;

1 (c) notice that the caller is required to identify themselves to the
2 operator and provide current address and shall be maintained in a writ-
3 ten record;

4 (d) notice that the caller is required to be eighteen years of age or
5 older;

6 (e) a warning that it is illegal to use information obtained through
7 the telephone number to commit a crime against any person listed or to
8 engage in illegal discrimination or harassment against such person;

9 (f) notice that the caller is required to have the birth date, driv-
10 er's license or identification number, or address or other identifying
11 information regarding the person about whom information is sought in
12 order to achieve a positive identification of that person;

13 (g) a statement that the number is not a crime hotline and that any
14 suspected criminal activity should be reported to local authorities;

15 (h) a statement that an information package which will include a
16 description of the law and drug offense are available upon request from
17 the division. Such information package shall include questions and
18 answers regarding the most commonly asked questions about the drug deal-
19 er registration act, and current drug offense prevention material.

20 3. (a) The division shall establish a program allowing non-profit and
21 not-for-profit youth services organizations to pre-register with the
22 division for use of the telephone number. Pre-registration shall
23 include the identification of up to two officials of the organization
24 who may call the telephone number and obtain information on behalf of
25 the organization. A pre-registered certificate issued under this subdivi-
26 sion shall be valid for two years, unless earlier revoked by the divi-
27 sion for good cause shown. No fee shall be charged to an applicant for
28 the issuance of a pre-registered certificate pursuant to this subdivi-
29 sion.

30 (b) An organization granted a pre-registered certificate pursuant to
31 this subdivision may, upon calling the telephone number, inquire whether
32 multiple named individuals are listed on the drug dealer registry.
33 Notwithstanding any per call limitation the division may place on calls
34 by private individuals, the division shall allow such pre-registered
35 organizations to inquire about up to twenty prospective coaches, leaders
36 or volunteers in each call to the telephone number.

37 (c) For purposes of this subdivision, "youth services organization"
38 shall mean a formalized program operated by a corporation pursuant to
39 subparagraph five of paragraph (a) of section one hundred two of the
40 not-for-profit corporation law that functions primarily to: (a) provide
41 children the opportunity to participate in adult-supervised sporting
42 activities; or (b) match children or groups of children with adult
43 volunteers for the purpose of providing children with positive role
44 models to enhance their development.

45 4. Whenever there is reasonable cause to believe that any person or
46 group of persons is engaged in a pattern or practice of misuse of the
47 telephone number, the attorney general, any district attorney or any
48 person aggrieved by the misuse of the number is authorized to bring a
49 civil action in the appropriate court requesting preventive relief,
50 including an application for a permanent or temporary injunction,
51 restraining order or other order against the person or group of persons
52 responsible for the pattern or practice of misuse. The foregoing reme-
53 dies shall be independent of any other remedies or procedures that may
54 be available to an aggrieved party under other provisions of law. Such
55 person or group of persons shall be subject to a fine of not less than
56 five hundred dollars and not more than one thousand dollars.

1 5. The division shall submit to the legislature an annual report on
2 the operation of the telephone number. The annual report shall include,
3 but not be limited to, all of the following:

4 (a) number of calls received;

5 (b) a detailed outline of the amount of money expended and the manner
6 in which it was expended for purposes of this section;

7 (c) number of calls that resulted in an affirmative response and the
8 number of calls that resulted in a negative response with regard to
9 whether a named individual was listed;

10 (d) number of persons listed; and

11 (e) a summary of the success of the telephone number program based
12 upon selected factors.

13 § 169-q. Subdirectory; internet posting. 1. The division shall main-
14 tain a subdirectory of level two and three drug dealers. The subdirecto-
15 ry shall include the exact address, address of the dealer's place of
16 employment and photograph of the drug dealer along with the following
17 information, if available: name, physical description, age and distinc-
18 tive markings. Background information including all of the drug dealer's
19 crimes of conviction that require registration pursuant to this article,
20 the name and address of any institution of higher education at which the
21 drug dealer is enrolled, attends, is employed or resides and a
22 description of special conditions imposed on the drug dealer shall also
23 be included. The subdirectory shall have drug dealer listings categor-
24 ized by county and zip code. Such subdirectory shall be made available
25 at all times on the internet via the division homepage. Any person may
26 apply to the division to receive automated e-mail notifications whenever
27 a new or updated subdirectory registration occurs in a geographic area
28 specified by such person. The division shall furnish such service at no
29 charge to such person, who shall request e-mail notification by county
30 and/or zip code on forms developed and provided by the division. E-mail
31 notification is limited to three geographic areas per e-mail account.

32 2. Any person who uses information disclosed pursuant to this section
33 in violation of the law shall in addition to any other penalty or fine
34 imposed, be subject to a fine of not less than five hundred dollars and
35 not more than one thousand dollars. Unauthorized removal or duplication
36 of the subdirectory from the offices of local, village or city police
37 department shall be punishable by a fine not to exceed one thousand
38 dollars. In addition, the attorney general, any district attorney, or
39 any person aggrieved is authorized to bring a civil action in the appro-
40 priate court requesting preventive relief, including an application for
41 a permanent or temporary injunction, restraining order, or other order
42 against the person or group of persons responsible for such action. The
43 foregoing remedies shall be independent of any other remedies or proce-
44 dures that may be available to an aggrieved party under other provisions
45 of law.

46 § 169-r. Immunity from liability. 1. No official, employee or agency,
47 whether public or private, shall be subject to any civil or criminal
48 liability for damages for any discretionary decision to release relevant
49 and necessary information pursuant to this section, unless it is shown
50 that such official, employee or agency acted with gross negligence or in
51 bad faith. The immunity provided under this section applies to the
52 release of relevant information to other employees or officials or to
53 the general public.

54 2. Nothing in this section shall be deemed to impose any civil or
55 criminal liability upon or to give rise to a cause of action against any
56 official, employee or agency, whether public or private, for failing to

1 release information as authorized in this section unless it is shown
2 that such official, employee or agency acted with gross negligence or in
3 bad faith.

4 § 169-s. Annual report. The division shall on or before February first
5 in each year file a report with the governor and the legislature detail-
6 ing the program, compliance with provisions of this article and effec-
7 tiveness of the provisions of this article, together with any recommen-
8 dations to further enhance the intent of this article.

9 § 169-t. Penalty. Any drug dealer required to register or to verify
10 pursuant to the provisions of this article who fails to register or
11 verify in the manner and within the time periods provided for in this
12 article shall be guilty of a class E felony upon conviction for the
13 first offense, and upon conviction for a second or subsequent offense
14 shall be guilty of a class D felony. Any drug dealer who violates the
15 provisions of section one hundred sixty-nine-v of this article shall be
16 guilty of a class A misdemeanor upon conviction for the first offense,
17 and upon conviction for a second or subsequent offense shall be guilty
18 of a class D felony. Any such failure to register or verify may also be
19 the basis for revocation of parole pursuant to section two hundred
20 fifty-nine-i of the executive law or the basis for revocation of
21 probation pursuant to article four hundred ten of the criminal procedure
22 law.

23 § 169-u. Unauthorized release of information. The unauthorized release
24 of any information required by this article shall be a class B misdemea-
25 nor.

26 § 169-v. Prohibition of employment on motor vehicles engaged in retail
27 sales of frozen desserts. No person required to maintain registration
28 under this article (drug dealer registration act) shall operate, be
29 employed on or dispense goods for sale at retail on a motor vehicle
30 engaged in retail sales of frozen desserts as defined in subdivision
31 thirty-seven of section three hundred seventy-five of the vehicle and
32 traffic law.

33 § 169-w. Separability. If any section of this article, or part thereof
34 shall be adjudged by a court of competent jurisdiction to be invalid,
35 such judgment shall not affect, impair or invalidate the remainder or
36 any other section or part thereof.

37 § 2. This act shall take effect on the one hundred eightieth day after
38 it shall have become a law.