STATE OF NEW YORK

3201--A

2025-2026 Regular Sessions

IN SENATE

January 24, 2025

Introduced by Sens. KRUEGER, C. RYAN -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- recommitted to the Committee on Crime Victims, Crime and Correction in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to risk assessment instruments for sex offenders

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

Section 1. Subdivision 5 of section 168-l of the correction law, as added by chapter 192 of the laws of 1995 and subparagraph (i) of paragraph (a) as amended by chapter 11 of the laws of 2002, is amended and a new subdivision 5-a is added to read as follows:

5. The board shall develop guidelines and procedures **which include the use of validated risk assessment instruments** to assess the risk of a repeat offense by such sex offender and the threat posed to the public safety. **Such risk assessment instruments shall be periodically subjected to empirical re-validation.** Such guidelines shall [~~be based upon,~~] **incorporate factors found to be predictive of risk of re-offense, including** but not limited to, the following:

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

(i) whether the sex offender has a mental abnormality or personality disorder that makes [~~him or her~~] **the sex offender** likely to engage in predatory sexually violent offenses;

(ii) whether the sex offender's conduct was found to be characterized by repetitive and compulsive behavior, associated with drugs or alcohol;

(iii) whether the sex offender served the maximum term;

(iv) whether the sex offender committed the felony sex offense against a child;

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

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(v) the age of the sex offender at the time of the commission of the first sex offense;

(b) other criminal history factors to be considered in determining risk, including:

(i) the relationship between such sex offender and the victim;

(ii) whether the offense involved the use of a weapon, violence or infliction of serious bodily injury;

(iii) the number, date and nature of prior offenses;

(c) conditions of release that minimize risk [~~or~~] **of** re-offense, including but not limited to whether the sex offender is under supervision; receiving counseling, therapy or treatment; or residing in a home situation that provides guidance and supervision;

(d) physical conditions that minimize risk of re-offense, including but not limited to advanced age or debilitating illness;

(e) whether psychological or psychiatric profiles indicate a risk of recidivism;

(f) the sex offender's response to treatment;

(g) recent behavior, including behavior while confined;

(h) recent threats or gestures against persons or expressions of intent to commit additional offenses; and

(i) review of any victim impact statement.

5-a. (a) The board in consultation with the department and the division of criminal justice services shall maintain a statewide database of sex offender recidivism statistics.

(b) The board in consultation with the department and the division of criminal justice services shall conduct a periodic retroactive study at least every five years to determine the predictive value of the risk assessment instruments used to assign risk of repeat offense levels to sex offenders pursuant to subdivision six of this section. After each such study the board shall prepare a detailed report to the governor and legislature determining the predictive value of the risk assessment instruments and the predictive value of each factor considered in the overall risk assessment when applied to the statewide database maintained pursuant to paragraph (a) of this subdivision. The report shall include recommended changes to the guidelines and risk assessment instruments to enhance their predictive capabilities for the purpose of periodic revalidation of such guidelines and risk assessment instruments pursuant to subdivision five of this section. The first such study shall be completed within two years of the effective date of this subdivision.

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