§ 458-l. Education reform program. 1. As used in this section:

(a) "eligible person" means an individual who (i) is, or is at risk of being, the subject of a person in need of supervision petition in family court where elements of an eligible offense have been indicated; or (ii) has been arrested for or charged with an eligible offense, or it is otherwise alleged that such person has committed an eligible offense, as that term is defined in paragraph (b) of this subdivision. In determining whether to order an eligible person who has been arrested for or charged with an eligible offense as an adult to participate in the education reform program under this section, a judge must consider, among other factors, prior participation in the program as an adult.

(b) "eligible offense" means a crime or offense committed, or, in the case of a person who is, or is at risk of being the subject of a person in need of supervision petition, conduct engaged in, by an eligible person that involved cyberbullying or the sending or receipt through electronic means of obscenity, as defined in subdivision one of section 235.00 of the penal law, or nudity, as defined in subdivision two of section 235.20 of the penal law, when the sender and the receiver thereof were both under the age of twenty at the time of such communication, but not more than five years apart in age.

(c) "program" means the education reform program developed pursuant to subdivision two of this section.

2. The office of children and family services, hereinafter the "office," shall develop and implement, in consultation with the division of criminal justice services and the state education department, an education reform program to be provided to eligible persons as a diversion program in accordance with section seven hundred thirty-five of the family court act or, as a condition of adjustment pursuant to section 308.1 of the family court act, or as a condition of an order of adjournment in contemplation of dismissal, suspended judgment, discharge with warning, conditional discharge or probation pursuant to article three or seven of the family court act, as a condition of probation or a conditional discharge pursuant to section 60.37 of the penal law or as a condition of an adjournment in contemplation of dismissal pursuant to section 170.55 of the criminal procedure law, as applicable.

3. The program shall be available in every judicial department in the state; provided that if the office determines that there is not a sufficient number of eligible offenses in a judicial department to mandate the implementation of a program, provisions shall be made for the residents of such judicial department to participate in a program in another judicial department where a program exists if practicable with regard to travel and cost, or to complete the education course online.

4. Such program shall be provided in an age-appropriate manner which focuses on the crime, offense or conduct, shall involve up to eight hours of instruction and shall provide, at a minimum, information concerning:

(a) the legal consequences of and potential penalties for sharing sexually suggestive materials, explicit materials or abusive materials, including sanctions imposed under applicable federal and state statutes;

(b) the non-legal consequences of sharing sexually suggestive materials, explicit materials or abusive materials, including, but not limited to, the possible effect on relationships, loss of educational and employment opportunities, and the potential for being barred or removed from school programs and extracurricular activities;

(c) how the unique characteristics of cyberspace and the internet, including the potential ability of an infinite audience to utilize the internet to search for and replicate materials, can produce long-term and unforeseen consequences for sharing sexually suggestive materials, explicit materials or abusive materials; and

(d) the potential connection between bullying and cyber-bullying and juveniles sharing sexually suggestive materials, explicit materials or abusive materials.

5. The office, in conjunction with the office of court administration, the office of probation and correctional alternatives and the division of criminal justice services, shall provide annual notice regarding the program to local probation departments, applicable court personnel, county defender offices, organizations or groups assigned to act as attorneys for children, district attorneys, presentment agencies and county attorneys, for the purpose of such information being provided to each eligible person, his or her attorney and his or her parent or

guardian where necessary, upon an order that they complete such program. The notice shall include, at a minimum, a short description of the program, when use of the program is authorized by statute, and the means of accessing and completing the program. The office shall maintain information on its website regarding the program, including directions for accessing the program.

6. Within twenty days of the date upon which the eligible person completes the program, the office shall provide such person with a certification that he or she has successfully completed the program and the date the program was completed. The eligible person shall be responsible for completing the program, and providing any necessary proof of completion.