

STATE OF NEW YORK

8370--A

2005-2006 Regular Sessions

IN ASSEMBLY

May 19, 2005

Introduced by M. of A. AUBRY, LENTOL, EDDINGTON, REILLY, JOHN, LAVELLE, BRADLEY, KARBEN -- Multi-Sponsored by -- M. of A. AUBERTINE, CUSICK, DELMONTE, DESTITO, ENGLEBRIGHT, KOON, LATIMER, LIFTON, LUPARDO, MAGNARELLI, PAULIN, PHEFFER, RAMOS, SCHIMMINGER -- read once and referred to the Committee on Correction -- recommitted to the Committee on Rules in accordance with Assembly Rule 3, sec. 2 -- Rules Committee discharged, bill amended, ordered reprinted as amended and recommitted to the Committee on Rules

AN ACT to amend the correction law and the executive law, in relation to expanding sex offender internet posting

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

1 Section 1. Paragraphs (a) and (b) of subdivision 6 of section 168-1 of
2 the correction law, paragraph (a) as amended by chapter 11 of the laws
3 of 2002 and paragraph (b) as separately amended by chapters 318 and 680
4 of the laws of 2005, are amended to read as follows:
5 (a) If the risk of repeat offense is low, a level one designation
6 shall be given to such sex offender. In such case the law enforcement
7 agency or agencies having jurisdiction and the law enforcement agency or
8 agencies having had jurisdiction at the time of his or her conviction
9 shall be notified [~~pursuant to this article~~] **and may disseminate rele-**
10 **vant information which may include a photograph and description of the**
11 **offender and which may include the name of the sex offender, approximate**
12 **address based on sex offender's zip code, background information includ-**
13 **ing the offender's crime of conviction, modus of operation, type of**
14 **victim targeted, the name and address of any institution of higher**
15 **education at which the sex offender is enrolled, attends, is employed or**
16 **resides and the description of special conditions imposed on the offen-**
17 **der to any entity with vulnerable populations related to the nature of**
18 **the offense committed by such sex offender. Any entity receiving infor-**

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

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1 mation on a sex offender may disclose or further disseminate such infor-
2 mation at its discretion.

3 (b) If the risk of repeat offense is moderate, a level two designation
4 shall be given to such sex offender. In such case the law enforcement
5 agency or agencies having jurisdiction and the law enforcement agency or
6 agencies having had jurisdiction at the time of his or her conviction
7 shall be notified and may disseminate relevant information which shall
8 include a photograph and description of the offender and which may
9 include the exact name and any aliases used by the sex offender, approx-
10 imate address based on sex offender's zip code, background information
11 including the offender's crime of conviction, mode of operation, type of
12 victim targeted, the name and address of any institution of higher
13 education at which the sex offender is enrolled, attends, is employed or
14 resides and the description of special conditions imposed on the offen-
15 der to any entity with vulnerable populations related to the nature of
16 the offense committed by such sex offender. Any entity receiving infor-
17 mation on a sex offender may disclose or further disseminate such infor-
18 mation at its discretion. In addition, in such case, the information
19 described herein shall also be provided in the subdirectory established
20 in this article and notwithstanding any other provision of law, such
21 information shall, upon request, be made available to the public.

22 Such law enforcement agencies shall compile, maintain and update a
23 listing of vulnerable organizational entities within its jurisdiction.
24 Such listing shall be utilized for notification of such organizations in
25 disseminating such information on level two sex offenders pursuant to
26 this paragraph. Such listing shall include and not be limited to:
27 superintendents of schools or chief school administrators, superinten-
28 dents of parks, public and private libraries, public and private school
29 bus transportation companies, day care centers, nursery schools, pre-
30 schools, neighborhood watch groups, community centers, civic associ-
31 ations, nursing homes, victim's advocacy groups and places of worship.

32 § 2. The section heading and subdivision 1 of section 168-q of the
33 correction law, the section heading as amended by chapter 11 of the laws
34 of 2002 and subdivision 1 as amended by chapter 10 of the laws of 2003,
35 are amended to read as follows:

36 Subdirectory [~~of level three sex offenders~~]; internet posting.

37 1. The division shall maintain a subdirectory of level two and three
38 sex offenders. The subdirectory shall include the exact address, address
39 of the offender's place of employment and photograph of the sex offender
40 along with the following information, if available: name, physical
41 description, age and distinctive markings. Background information
42 including the sex offender's crime of conviction, modus of operation,
43 type of victim targeted, the name and address of any institution of
44 higher education at which the sex offender is enrolled, attends, is
45 employed or resides and a description of special conditions imposed on
46 the sex offender shall also be included. The subdirectory shall have sex
47 offender listings categorized by county and zip code. A copy of the
48 subdirectory shall annually be distributed to the offices of local
49 village, town, city, county or state law enforcement agencies for
50 purposes of public access. The division shall distribute monthly updates
51 to the offices of local village, town, city, county or state law
52 enforcement agencies for purposes of public access. Such departments
53 shall require that a person in writing provide their name and address
54 prior to viewing the subdirectory. Any information identifying the
55 victim by name, birth date, address or relation to the sex offender
56 shall be excluded from the subdirectory distributed for purposes of

1 public access. The subdirectory provided for herein shall be updated
2 monthly to maintain its efficiency and usefulness and shall be computer
3 accessible. Such subdirectory shall be made available at all times on
4 the internet via the division homepage.

5 § 3. Subdivision 5 of section 843 of the executive law, as added by
6 chapter 490 of the laws of 2000, is amended to read as follows:

7 5. Such homepage shall also contain the subdirectory [~~of high risk sex~~
8 ~~offenders~~] maintained pursuant to section one hundred sixty-eight-q of
9 the correction law.

10 § 4. Subdivision 6 of section 168-b of the correction law, as added by
11 chapter 192 of the laws of 1995, is amended to read as follows:

12 6. The division shall also establish a [~~sexually violent predator~~]
13 subdirectory pursuant to section one hundred sixty-eight-q of this arti-
14 cle.

15 § 5. This act shall take effect immediately.

NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)

BILL NUMBER: A8370A

SPONSOR: Aubry (MS)

TITLE OF BILL:

An act to amend the correction law and the executive law, in relation to expanding sex offender internet posting

PURPOSE OR GENERAL IDEA OF BILL:

This legislation amends the correction law to list persons determined to be a moderate risk of re-offending ("level two" offenders) on the website maintained by the NYS Division of Criminal Justice Services (DCJS) pursuant to New York's Sex Offender Registration Act (SORA). Currently, the website lists sex offenders considered a high risk of re-offending ("level three" offenders). In addition, the bill provides for notification to entities serving vulnerable populations concerning the presence in the community of persons considered a low risk of re-offending ("level one" offenders).

SUMMARY OF SPECIFIC PROVISIONS:

Section 1 of the bill amends paragraphs a and b of subdivision 6 of section 168-1 of the correction law. Paragraph a is amended to authorize local police authorities to affirmatively provide information to entities serving vulnerable populations concerning offenders considered the lowest risk of re-offending ("level one" offenders). Paragraph b is amended to add offenders considered a moderate risk of re-offending ("level two" offenders) to the subdirectory which is made available to the public via the internet.

Section two of the bill amends subdivision 1 of section 168-q of the correction law to add level two sex offenders to the subdirectory and therefore the DCJS website.

JUSTIFICATION:

At its inception, SORA (Correction Law Article 6-C, section 168 et seq.) established a subdirectory of offenders considered by the courts to be a high risk of re-offending ("level three" offenders). The law required that this information on level three offenders be available to the public at police agencies throughout the state.

In 2000, the Legislature required that information on level three sex offenders also be made directly available to the public on the website maintained by DCJS (L. 2000, c. 490).

As more persons turn to the internet for information, it is appropriate to include information on offenders considered a moderate risk of re-offending ("level-two" offenders) on the divisions subdirectory website.

Because not everyone has ready access to a computer, the bill also continues the requirement that DCJS maintain subdirectory information, including computer accessible information, at local police agencies.

Level one offenders are persons determined by the courts to be at the lowest risk of re-offending. This bill expands public notice about these lower level offenders by authorizing local police to provide information

to entities serving vulnerable populations about level one offenders in the community.

PRIOR LEGISLATIVE HISTORY:

This is new legislation.

FISCAL IMPLICATION:

This legislation would require DCJS to input identifying information on many additional persons into the subdirectory, for posting on the internet and for review at local police agencies. DCJS would continue to be required to update the subdirectory monthly. The bill thus places some additional duties on DCJS.

EFFECTIVE DATE:

This act shall take effect sixty days after it is signed into law.
