

NEW YORK SEX-OFFENDER REGISTRATION AND NOTIFICATION

CONTACT INFORMATION

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NUMBER OF REGISTERED SEX OFFENDERS

15,567 as of February 6, 2003.

1. WHO IS REQUIRED TO REGISTER?

Sex offenders are required to register.

2. WHAT DOES "SEX OFFENDER" MEAN?

"Sex offender" includes any person who is convicted of a sex offense or a sexually violent offense.
(*N.Y. Correct. Law § 168-a(1)*)

3. WHAT DOES "SEX OFFENSE" MEAN?

"Sex offense" means:

- (1) a conviction of or a conviction for an attempt to commit:
 - (a) sexual misconduct;
 - (b) rape in the second or third degree;
 - (c) sodomy in the second or third degree;
 - (d) sexual abuse in the second degree;
 - (e) incest;
 - (f) sexual performance by a minor;
 - (g) unlawful imprisonment in the first or second degree, provided the victim of such kidnapping or related offense is under 17 and the offender is not the parent of the victim;
 - (h) kidnapping in the first or second degree, provided the victim of such kidnapping or related offense is under 17 and the offender is not the parent of the victim;
 - (i) patronizing a prostitute in the first, second, or third degree, if the person patronized is under 17;
 - (j) promoting prostitution in the second degree if the offender advances or profits from a person under 16; or
 - (k) promoting prostitution in the first degree;
- (2) a conviction of or a conviction for an attempt to disseminate indecent materials to minors in the first degree;
- (3) a conviction of or a conviction for an attempt to commit an offense listed in (1) or (2) above if the offense was committed or attempted as a hate crime or as a crime of terrorism;

- (4) a conviction of or a conviction for an attempt to commit:
 - (a) forcible touching, provided the victim is under 18; or
 - (b) sexual abuse in the third degree, provided the victim is under 18;
- (5) a conviction of or a conviction for an attempt to commit forcible touching or sexual abuse in the third degree, regardless of the age of the victim, if the offender has previously been convicted of:
 - (a) a sex offense;
 - (b) a sexually violent offense; or
 - (c) any of the provisions of forcible touching or sexual abuse in the third degree, or an attempt thereof; or
- (6) a conviction of:
 - (a) an offense in any other jurisdiction that includes all of the essential elements of any such offense listed in (1) through (3) above;
 - (b) a felony in any other jurisdiction for which the offender is required to register as a sex offender in the jurisdiction in which the conviction occurred; or
 - (c) federal legislation regarding:
 - (i) sexual exploitation of a minor;
 - (ii) selling or buying of a minor;
 - (iii) certain activities relating to material involving the sexual exploitation of minors;
 - (iv) certain activities relating to material constituting or containing child pornography; or
 - (v) the production of sexually explicit depictions of a minor for importation into the United States.

(N.Y. Correct. Law § 168-a(2))

4. WHAT DOES “SEXUALLY VIOLENT OFFENSE” MEAN?

“Sexually violent offense” means:

- (1) a conviction of or a conviction for an attempt to commit:
 - (a) rape in the first degree;
 - (b) sodomy in the first degree;
 - (c) sexual abuse in the first degree;
 - (d) aggravated sexual abuse in the first, second, or third degree;
 - (e) course of sexual conduct against a minor in the first or second degree;
 - (f) persistent sexual abuse;
 - (g) aggravated sexual abuse in the fourth degree; or
 - (h) facilitating a sex offense with a controlled substance;
- (2) a conviction of or a conviction for an attempt to commit an offense listed in (1) above if the offense was committed or attempted as a hate crime or as a crime of terrorism;
- (3) a conviction of an offense in another jurisdiction that includes all of the essential elements of an offense listed in (1) or (2) above; or
- (4) a conviction of a felony in another jurisdiction for which the offender is required to register as a sex offender in the jurisdiction in which the conviction occurred.

(N.Y. Correct. Law. § 168-a(3))

5. ARE JUVENILE OFFENDERS REQUIRED TO REGISTER?

Please contact the New York State Division of Criminal Justice Services or local law enforcement for information on juvenile offenders.

6. WHEN AND WHERE DOES AN OFFENDER REGISTER?

A sex offender must:

- (1) at least 10 calendar days prior to discharge, parole, release to postrelease supervision, or release from any state or local correctional facility, hospital, or institution where he or she was confined or committed; or
 - (2) at the time sentence is imposed for a sex offender released on probation or discharged upon payment of a fine, conditional discharge, or unconditional discharge,
- register with the Division of Criminal Justice Services on a form prepared by the division.
(N.Y. Correct. Law § 168-f(1))

7. WHAT INFORMATION MUST AN OFFENDER PROVIDE AT THE TIME OF REGISTRATION?

Information that must be provided upon registration includes:

- (1) the sex offender's:
 - (a) name and all aliases used;
 - (b) date of birth;
 - (c) sex;
 - (d) race;
 - (e) height and weight;
 - (f) eye color;
 - (g) driver's license number;
 - (h) home address and/or expected place of domicile;
 - (i) any Internet accounts belonging to him or her and any Internet screen names used by him or her;
 - (j) photograph; and
 - (k) a set of fingerprints;
 - (2) a description of the offense for which the sex offender was convicted, the date of conviction and the sentence imposed;
 - (3) the name and address of any institution of higher education at which the sex offender is or expects to be enrolled, attending or employed, whether for compensation or not, and whether he or she resides in or will reside in a facility owned or operated by the institution; and
 - (4) any other information deemed pertinent by the Division of Criminal Justice Services.
- (N.Y. Correct. Law § 168-b(1))*

8. WHAT HAPPENS IF AN OFFENDER CHANGES HIS OR HER ADDRESS OR OTHER REGISTRATION INFORMATION DURING THE REGISTRATION PERIOD?

A sex offender must register with the Division of Criminal Justice Services no later than 10 calendar days after a change of address, status of enrollment, attendance, employment, or residence at any institution of higher education.
(N.Y. Correct. Law. § 168-f(4))

Upon receipt of a change of address by a sex offender who is required to register, the Division of Criminal Justice Services must notify the local law-enforcement agency having jurisdiction over the new place of residence and the local law-enforcement agency where the sex offender last resided of the new place of residence.
(N.Y. Correct. Law § 168-j(1))

Upon receipt of a change in the status of the enrollment, attendance, employment, or residence at an institution of higher education by a sex offender who is required to register, the Division of Criminal

Justice Services must notify each law-enforcement agency having jurisdiction that is affected by the change.

(N.Y. Correct. Law § 168-j(4))

9. WHAT HAPPENS IF AN OFFENDER MOVES FROM NEW YORK TO ANOTHER STATE?

A sex offender must register with the Division of Criminal Justice Services no later than 10 calendar days after changing his or her address.

(N.Y. Correct. Law. § 168-f(4))

If a sex offender changes residence to another state, the Division of Criminal Justice Services must notify the appropriate agency within that state of the new place of residence.

(N.Y. Correct. Law § 168-j(3))

10. IS AN OFFENDER WHO MOVES FROM ANOTHER STATE TO NEW YORK REQUIRED TO REGISTER?

An offender who moves from another state to New York must notify the Division of Criminal Justice Services of his or her new address no later than 10 calendar days after establishing residence in New York. The Board of Examiners of Sex Offenders will then determine if the sex offender is required to register with the division.

(N.Y. Correct. Law § 168-k(1))

11. WHAT IF AN OFFENDER LIVES IN ANOTHER STATE BUT WORKS OR GOES TO SCHOOL IN NEW YORK?

A nonresident worker or nonresident student must register his or her current address and the address of his or her place of employment or educational institution with the Division of Criminal Justice Services within 10 calendar days after commencing employment or attendance at an educational institution in New York. A nonresident worker or nonresident student must notify the division of any change of residence, employment, or educational institution address no later than 10 days after such change.

(N.Y. Correct. Law. § 168-f(6))

12. IS REGISTRATION A LIFETIME REQUIREMENT?

The duration of registration for a sex offender who has not been designated a sexual predator, sexually violent offender, or predicate sex offender, or who, as of March 11, 2002, was classified as a Level-One or Level-Two risk, is for a period of 10 years from the initial date of registration.

(N.Y. Correct. Law § 168-h(1))

The duration of registration for a sex offender who, on or after March 11, 2002, is designated a sexual predator, sexually violent offender, or predicate sex offender, or who is, as of March 11, 2002, classified as a Level-Three risk, is for life.

(N.Y. Correct. Law. § 168-h(2))

13. ARE THERE ANY PENALTIES FOR FAILING TO REGISTER OR FOR PROVIDING FALSE INFORMATION?

Any sex offender who is required to register or to verify his or her registration information and who fails to register or verify in the manner and within the time periods provided is guilty of a Class A misdemeanor upon conviction for the first offense. Upon conviction for a second or subsequent offense, the sex offender will be guilty of a Class D felony. Any failure to register or verify may also be the basis for revocation of parole or probation.

(N.Y. Correct. Law. § 168-t)

14. WHAT INFORMATION IS RELEASED TO THE PUBLIC ABOUT REGISTERED OFFENDERS?

If the risk of repeat offense is low, a Level-One designation is given to a sex offender. In such case the law-enforcement agency or agencies having jurisdiction and the law-enforcement agency having had jurisdiction at the time of the sex offender's conviction are notified.

(N.Y. Correct. Law § 168-1(6)(a))

If the risk of repeat offense is moderate, a Level-Two designation is given to a sex offender. In such case the law-enforcement agency or agencies having jurisdiction and the law-enforcement agency or agencies having had jurisdiction at the time of the sex offender's conviction are notified and may disseminate relevant information, including the sex offender's name, approximate address based on the sex offender's zip code, photograph, background information including the sex offender's offense of conviction, *modus operandi*, type of victim targeted; the name and address of any institution of higher education at which the sex offender is enrolled, attends, is employed, or resides; and the description of special conditions imposed on the sex offender, to any entity with vulnerable populations related to the nature of the offense committed by the sex offender. Any entity receiving information on a sex offender may disclose or further disseminate such information at its discretion.

(N.Y. Correct. Law § 168-1(6)(b))

If the risk of repeat offense is high and there exists a threat to the public safety, a Level-Three designation is given to a sex offender. In such case the law-enforcement agency or agencies having jurisdiction and the law-enforcement agency or agencies having had jurisdiction at the time of the sex offender's conviction are notified and may disseminate relevant information, including the sex offender's name, exact address, photograph, background information including the sex offender's offense of conviction, *modus operandi*, type of victim targeted; the name and address of any institution of higher education at which the sex offender is enrolled, attends, is employed, or resides; and the description of special conditions imposed on the offender, to any entity with vulnerable populations related to the nature of the offense committed by the sex offender. Any entity receiving information on a sex offender may disclose or further disseminate such information at its discretion. The information is also provided in the Subdirectory of Level-Three Sex Offenders and will be made available to the public.

(N.Y. Correct. Law § 168-1(6)(c))

The Division of Criminal Justice Services operates a "900" telephone number that members of the public may call and inquire whether a named individual is required to register.

(N.Y. Correct. Law § 168-p(1))

15. CAN I SEARCH THE INTERNET FOR OFFENDERS IN MY AREA?

The Subdirectory of Level-Three Sex Offenders is available on the Internet via the Division of Criminal Justice Services homepage, <http://criminaljustice.state.ny.us/nsor/index.htm>.

(N.Y. Correct. Law § 168-q(1))

The Division of Criminal Justice Services maintains the Subdirectory of Level-Three Sex Offenders. The subdirectory includes the exact address and photograph of the sex offender along with the following information, if available:

- (1) name;
- (2) physical description;
- (3) age; and
- (4) distinctive markings.

Background information including the sex offender's offense of conviction, *modus operandi*, type of victim targeted, the name and address of any institution of higher education at which he or she is enrolled, attends, is employed, or resides and a description of special conditions imposed on him or her are also included. The subdirectory categorizes sex offender listings by county and zip code. A copy of the subdirectory is distributed annually to the offices of local village, town, city, county, or state law-enforcement agencies for purposes of public access. The Division of Criminal Justice Services distributes monthly updates to the offices of local village, town, city, county, or state law-enforcement agencies for purposes of public access. Such departments require that a person provide, in writing, their name and address prior to viewing the subdirectory.

(N.Y. Correct. Law § 168-q(1))

16. WHAT IS THE PENALTY FOR MISUSE OF OFFENDER INFORMATION?

The unauthorized release of any sex-offender-registration information is a Class B misdemeanor.

(N.Y. Correct. Law. § 168-u)

It is illegal to use information obtained through the "900" number to commit an offense against any person listed or to engage in illegal discrimination or harassment against such person.

(N.Y. Correct. Law § 168-p(2)(e))

Any person who uses sex-offender-registration information in violation of the law will, in addition to any other penalty or fine imposed, be subject to a fine of no less than \$500, but no more than \$1,000. Unauthorized removal or duplication of the Subdirectory of Level-Three Sex Offenders from the offices of local, village, or city police department is punishable by a fine not to exceed \$1,000. The attorney general, any district attorney, or any person aggrieved is authorized to bring a civil action in the appropriate court requesting preventive relief, including an application for a permanent or temporary injunction, restraining order, or other order against the person or group of persons responsible for such action.

(N.Y. Correct. Law. § 168-q(2))