

# ***Adult Sex Offender Registration Requirements***

## ***NEW YORK***

### **Requirements**

**Registrable Offenses**

The following list contains the New York State Penal Law statutes for which registration as a sex offender is required. Individuals are required to register as a sex offender upon a conviction of a Registrable offense or a conviction for an attempt to commit a Registrable offense or a conviction of or a conviction for an attempt to commit a Registrable offense as a hate crime or a crime of terrorism.

- Sexual Offenses:
- Sexual misconduct
- Rape (3rd degree)
- Rape (2nd degree)
- Criminal sexual act (3rd degree)
- Criminal sexual act (2nd degree)
- Sexual abuse (2nd degree)
- Unlawful surveillance (1st degree)
- Incest
- Use of a child in a sexual performance
- Promoting an obscene sexual performance by a child
- Possessing an obscene sexual performance by a child
- Promoting a sexual performance by a child
- Possessing a sexual performance of a child
- Unlawful imprisonment (2nd degree), provided the victim of such kidnapping or related offense is less than 17 years old and the offender is not the parent of the victim
- Unlawful imprisonment (1st degree), provided the victim of such kidnapping or related offense is less than 17 years old and the offender is not the parent of the victim
- Kidnapping (2nd degree) - provided the victim of such kidnapping or related offense is less than 17 years old and the offender is not the parent of the victim
- Kidnapping (1st degree) - provided the victim of such kidnapping or related offense is less than 17 years old and the offender is not the parent of the victim
- Patronizing a prostitute (3rd degree), where the person patronized is in fact less than seventeen years of age
- Patronizing a prostitute (2nd degree)
- Patronizing a prostitute (1st degree)
- Promoting prostitution (2nd degree), where the victim is under 16 years old
- Promoting prostitution (1st degree)
- Compelling prostitution
- Disseminating indecent material to minors (1st degree)
- A conviction of or a conviction for an attempt to commit any provisions of the foregoing sections committed or attempted as a hate crime defined in section 485.05 of the penal law or as a crime of terrorism defined in section 490.25 of such law. Forcible touching, provided the victim is less than 18 years of age
- Sexual abuse (3rd degree), provided the victim is less than 18 years of age
- Forcible touching of a victim of any age if the offender has previously been convicted of any sex offense or sexually violent
- Sexual abuse (3rd degree), of a victim regardless of age if the offender has previously been convicted of any sex offense of sexually violent offense - NY PENAL LAW § 130.55 (West 2008).
- Conviction of (i) an offense in any other jurisdiction which includes all of the essential elements of any such crime provided for above or (ii) 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, (iii) any of the provisions of 18 U.S.C. 2251, 18 U.S.C. 2251A, 18 U.S.C. 2252, 18 U.S.C. 2252A, or 18 U.S.C. 2260, provided that the elements of such crime of conviction are substantially the same as those which are a part of such offense as of the date on which this subparagraph takes effect.
- Unlawful surveillance (2nd degree), unless upon motion by the defendant, the trial court is of the opinion that registration would be unduly harsh and inappropriate

Sexually Violent Offenses:

- Rape (1st degree)
- Criminal sexual contact (1st degree)
- Sexual abuse (1st degree)
- Aggravated sexual abuse (4th degree)
- Aggravated sexual abuse (3rd degree)
- Aggravated sexual abuse (2nd degree)
- Aggravated sexual abuse (1st degree)
- Course of sexual conduct against a child (1st degree)
- Course of sexual conduct against a child (2nd degree)
- Persistent sexual abuse
- Facilitating a sex offense with a controlled substance
- Conviction of or a conviction for an attempt to commit any provisions of the foregoing sections committed or attempted as a hate crime defined in section 485.05 of the penal law or as a crime of terrorism defined in section 490.25 of such law; or
- Conviction of an offense in any other jurisdiction which includes all of the essential elements of any such felony provided for above or conviction of 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.

*N.Y. PENAL LAW §130.91 (West 2008).*

1. A person commits a sexually motivated felony when he or she commits a specified offense for the purpose, in whole or substantial part, of his or her own direct sexual gratification.

2. A “specified offense” is a felony offense defined by any of the following provisions of this chapter:

- Assault in the second degree,
- Assault in the first degree,
- Gang assault in the second degree,
- Gang assault in the first degree,
- Stalking in the first degree,
- Manslaughter in the second degree,
- Manslaughter in the first degree,
- Murder in the second degree,
- Aggravated murder,
- Murder in the first degree,
- Kidnapping in the second degree,
- Kidnapping in the first degree,
- Burglary in the third degree,
- Burglary in the second degree,
- Burglary in the first degree,
- Arson in the second degree,
- Arson in the first degree,
- Robbery in the third degree,
- Robbery in the second degree,
- Robbery in the first degree,
- Promoting prostitution in the second degree,
- Promoting prostitution in the first degree,
- Compelling prostitution,
- Disseminating indecent material to minors in the first degree,
- Use of a child in a sexual performance,
- Promoting an obscene sexual performance by a child,
- Promoting a sexual performance by a child,
- Or any felony attempt or conspiracy to commit any of the foregoing offenses.

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| <p><b>Information Maintained in Sex Offender Registry</b></p> | <p><i>NY CORRECT § 168-b (West 2008)</i></p> <p>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:</p> <ul style="list-style-type: none"> <li>(a) The sex offender'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, any internet accounts with internet access providers belonging to such offender and internet identifiers that such offender uses.</li> <li>(b) A photograph and set of fingerprints. For a sex offender given a level three designation, the division shall, during the period of registration, update such photograph once each year. For a sex offender given a level one or level two designation, the division shall, during the period of registration, update such photograph once every three years. The division shall notify the sex offender by mail of the duty to appear and be photographed at the specified law enforcement agency having jurisdiction. Such notification shall be mailed at least thirty days and not more than sixty days before the photograph is required to be taken pursuant to subdivision two of section one hundred sixty-eight-f of this article.</li> <li>(c) A description of the offense for which the sex offender was convicted, the date of conviction and the sentence imposed.</li> <li>(d) 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 such offender resides in or will reside in a facility owned or operated by such institution.</li> <li>(e) If the sex offender has been given a level three designation, such offender's employment address and/or expected place of employment.</li> <li>(f) Any other information deemed pertinent by the division.</li> </ul>   |
| <p><b>Community Notification and Websites</b></p>             | <p><i>NY CORRECT § 168-b (WEST 2008)</i></p> <p>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:</p> <ul style="list-style-type: none"> <li>(a) The sex offender'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, any internet accounts with internet access providers belonging to such offender and internet identifiers that such offender uses.</li> <li>(b) A photograph and set of fingerprints. For a sex offender given a level three designation, the division shall, during the period of registration, update such photograph once each year. For a sex offender given a level one or level two designation, the division shall, during the period of registration, update such photograph once every three years. The division shall notify the sex offender by mail of the duty to appear and be photographed at the specified law enforcement agency having jurisdiction. Such notification shall be mailed at least thirty days and not more than sixty days before the photograph is required to be taken pursuant to subdivision two of section one hundred sixty- eight of this article.</li> <li>(c) A description of the offense for which the sex offender was convicted, the date of conviction and the sentence imposed.</li> <li>(d) 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 such offender resides in or will reside in a facility owned or operated by such institution.</li> <li>(e) (e) If the sex offender has been given a level three designation, such offender's employment address and/or expected place of employment.</li> <li>(f) (f) Any other information deemed pertinent by the division.</li> </ul> <p>2. a. The division is authorized to make the registry available to any regional or national registry of sex offenders for the purpose of sharing information. The division shall accept files from any regional or national registry of sex offenders and shall make such files available when requested pursuant to the provisions of this article.</p> <p>b. The division shall also make registry information available to: (i) the department of health, to enable such department to identify persons ineligible to receive reimbursement or coverage for drugs, procedures or supplies pursuant to subdivision seven of section twenty-five hundred ten of the public health law, paragraph</p> |

(e) of subdivision four of section three hundred sixty-five-a of the social services law, paragraph (e-1) of subdivision one of section three hundred sixty-nine-ee of the social services law, and subdivision one of section two hundred forty- one of the elder law; (ii) the department of insurance to enable such department to identify persons ineligible to receive reimbursement or coverage for drugs, procedures or supplies pursuant to subsection (b-1) of section four thousand three hundred twenty-two and subsection (d-1) of section four thousand three hundred twenty-six of the insurance law; and (iii) a court, to enable the court to promptly comply with the provisions of paragraph (a-1) of subdivision one of section two hundred forty of the domestic relations law and subdivision (e) of section six hundred fifty-one of the family court act.

c. The department of health and the department of insurance may disclose to plans providing coverage for drugs, procedures or supplies for the treatment of erectile dysfunction pursuant to section three hundred sixty-nine-ee of the social services law or sections four thousand three hundred twenty-one, four thousand three hundred twenty-two or four thousand three hundred twenty-six of the insurance law registry information that is limited to the names, dates of birth, and social security numbers of persons who are ineligible by law to receive payment or reimbursement for specified drugs, procedures and supplies pursuant to such provisions of law. Every such plan shall identify to the department of health or the department of insurance, in advance of disclosure, each person in its employ who is authorized to receive such information provided, however, that such information may be disclosed by such authorized employee or employees to other personnel who are directly involved in approving or disapproving reimbursement or coverage for such drugs, procedures and supplies for such plan members, and provided further that no person receiving registry information shall redisclose such information except to other personnel who are directly involved in approving or disapproving reimbursement or coverage for such drugs, procedures and supplies.

*NY CORRECT § 168-1 (WEST 2008)*

(a) If the risk of repeat offense is low, a level one designation shall be given to such 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 his or her conviction shall be notified and may disseminate relevant information which may include a photograph and description of the offender and which may include the name of the sex offender, approximate address based on sex offender's zip code, background information including the offender's crime of conviction, modus of operation, 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 such sex offender. Any entity receiving information on a sex offender may disclose or further disseminate such information at its discretion.

(b) If the risk of repeat offense is moderate, a level two designation shall be given to such 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 his or her conviction shall be notified and may disseminate relevant information which shall include a photograph and description of the offender and which may include the exact name and any aliases used by the sex offender, approximate address based on sex offender's zip code, background information including the offender's crime of conviction, mode of operation, 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 such sex offender. Any entity receiving information on a sex offender may disclose or further disseminate such information at its discretion. In addition, in such case, the information described herein shall also be provided in the subdirectory established in this article and notwithstanding any other provision of law, such information shall, upon request, be made available to the public.

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

(c) If the risk of repeat offense is high and there exists a threat to the public safety a level three designation shall be given to such 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 his or her conviction shall be notified and may disseminate relevant information which shall include a photograph and description of the offender and which may include the sex offender's exact name and any aliases used by the offender, exact

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|   | <p>address, address of the offender's place of employment, background information including the offender's crime of conviction, mode of operation, 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 such sex offender. Any entity receiving information on a sex offender may disclose or further disseminate such information at its discretion. In addition, in such case, the information described herein shall also be provided in the subdirectory established in this article and notwithstanding any other provision of law, such information shall, upon request, be made available to the public.</p> <p>Such law enforcement agencies shall compile, maintain and update a listing of vulnerable organizational entities within its jurisdiction. Such listing shall be utilized for notification of such organizations in disseminating such information on level three sex offenders pursuant to this paragraph. Such listing shall include and not be limited to: superintendents of schools or chief school administrators, superintendents of parks, public and private libraries, public and private school bus transportation companies, day care centers, nursery schools, pre-schools, neighborhood watch groups, community centers, civic associations, nursing homes, victim's advocacy groups and places of worship.</p> <p><i>NY CORRECT § 168-p (WEST 2008)</i></p> <p>Pursuant to section one hundred sixty-eight-b of this article, the division shall also operate a telephone number that members of the public may call free of charge and inquire whether a named individual required to register pursuant to this article is listed. The division shall ascertain whether a named person reasonably appears to be a person so listed and provide the caller with the relevant information according to risk as described in subdivision six of section one hundred sixty-eight of this article. The division shall decide whether the named person reasonably appears to be a person listed, based upon information from the caller providing information that shall include (a) an exact street address, including apartment number, driver's license number or birth date, along with additional information that may include social security number, hair color, eye color, height, weight, distinctive markings, ethnicity; or (b) any combination of the above listed characteristics if an exact birth date or address is not available. If three of the characteristics provided include ethnicity, hair color, and eye color, other identifying characteristics shall be provided. Any information identifying the victim by name, birth date, address or relation to the person listed by the division shall be excluded by the division.</p> <p><i>NY CORRECT § 168-q (WEST 2008)</i></p> <p>1.</p> <ul style="list-style-type: none"> <li>• The division shall maintain a subdirectory of level 2 and 3 sex offenders.</li> <li>• The subdirectory shall have sex offender listings categorized by county and zip code.</li> <li>• A copy of the subdirectory shall annually be distributed to the offices of local village, town, city, county or state law enforcement agencies for purposes of public access.</li> <li>• The subdirectory provided for herein shall be updated monthly to maintain its efficiency and usefulness and shall be computer accessible.</li> <li>• Such subdirectory shall be made available at all times on the Internet via the division homepage.</li> </ul> |
| <b>Limitations on Residency or Employment</b> | <p><i>NY CORRECT §168-v (WEST 2008).</i></p> <p>No registrant may operate, be employed on or dispense goods for sale at retail on a motor vehicle engaged in retail sales of frozen desserts (i.e., ice cream trucks).</p>  |
| <b>Duration of Registration</b>               | <p><i>NY CORRECT § 168-h (WEST 2008)</i></p> <p>20 years for offenders who have not been designated a sexual predator, sexually violent offender or predicate sex offender and who are classified a level 1 offender. Life for sexual predators, sexually violent offenders, or predicate sex offenders or offenders who are classified a level 2 or 3 offender.</p> <p><i>NY CORRECT § 168-o (WEST 2008)</i></p> <p>Sex offenders who are classified at level 2, but who have not been designated a sexual predator, sexually violent offender or predicate sex offender may petition for termination of the registration obligation after 30 years.</p>   |