



Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York, in relation to including a community notification requirement in the gun offender registry act.

Sponsors: Costa G. Constantinides, Ritchie J. Torres, Paul A. Vallone, Andrew Cohen, Margaret S. Chin, Rafael L. Espinal, Jr., Vanessa L. Gibson, Corey D. Johnson, Andy L. King, Peter A. Koo, Rory I. Lancman, James Vacca, Ydanis A. Rodriguez, The Public Advocate (Ms. James), (by request of the Bronx Borough President)

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Int. No. 434

By Council Members Constantinides, Torres, Vallone, Cohen, Chin, Espinal, Gibson, Johnson, King, Koo, Lancman, Vacca, Rodriguez and the Public Advocate (Ms. James) (by request of the Bronx Borough President)

A Local Law to amend the administrative code of the city of New York, in relation to including a community notification requirement in the gun offender registry act.

Be it enacted by the Council as follows:

Section 1. The administrative code of the city of New York is amended to add a new section 10-609 and a new section 10-610 to read as follows:

§ 10-609. Community notification.

1. The department shall create and maintain a sub-directory of the information contained in the registry created pursuant to this Chapter. The sub-directory shall include only the following information: the gun offender’s name and residential street address with house number redacted to only indicate the block that the gun offender resides and not the exact location; an up-to-date photograph of the gun offender; a physical

description of the gun offender; and the offense for which the gun offender was convicted, the date of conviction, and the sentence imposed.

2. The information contained in the sub-directory created and maintained pursuant to subdivision one of this section shall be updated on a monthly basis to reflect any changes to the information contained in the registry created pursuant to this Chapter. Gun offenders who are no longer required to register pursuant to section 10-604 of this Chapter shall have their information immediately removed from the sub-directory created and maintained pursuant to subdivision one of this section.

3. The sub-directory created and maintained pursuant to subdivision one of this section shall made available at all times via the department's website, or any other website maintained by the city as long as the department's website contains a clear and conspicuous link to such other website. The sub-directory shall be available in a searchable manner which identifies registered offenders within 5 miles of an address entered into the searchable database by an end-user.

4. The department must also allow any person to apply, via the website created pursuant to subdivision two of this section, to receive automated e-mail notifications whenever a new or updated registration occurs in a geographic area specified by such person. The department shall furnish such service at no charge and the web forms shall be developed and provided by the department or any other city agency at the request of the department.

5. The website created and maintained pursuant to this section must include a terms and conditions form which shall require any person seeking access to the information available on the website created pursuant to this section to affirmatively indicate that they understand such terms and conditions prior to their gaining access to the sub-directory. Such terms and conditions must clearly and conspicuously state the following:

a. The information available on this website is based on the New York City Council's decision to facilitate access to publicly-available criminal information about persons convicted of certain gun-related offenses as defined in Chapter Six of the Administrative Code of the City of New York. The New York City

Police Department has not considered or assessed the specific risk of re-offense with regard to any individual prior to his or her inclusion on this website, and inclusion on this website does not mean that an individual is currently dangerous. Individuals included on this website are included solely by virtue of their conviction record and City law. The purpose of providing this data on the Internet is to make the information more easily available and accessible, not to warn about any specific individual or threat.

b. Any person who uses information on this website in violation of law is subject to a fine of not less than five hundred dollars and not more than one thousand dollars.

§ 10-610. Misuse of Information. Any person who uses information disclosed pursuant to this Chapter in violation of the law shall be subject to a fine of not less than five hundred dollars and not more than one thousand dollars. In addition, the attorney general, any district attorney, or any person aggrieved is authorized to bring a civil action in the appropriate court requesting 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. The foregoing remedies shall be independent of any other remedies or procedures that may be available to an aggrieved party under other provisions of law.

§2. This local law shall take effect ninety days after it is enacted.

LS #1559, 1640, & 1665
CJG
7/21/14