Legislation Details (With Text)

File #:	Res 0081-2004	**Version:**	A	**Name:**	NYS Legislature to increase the penalty for the failure to register or verify an address as required by the Sex Offender Registration Act.
Type:	Resolution			**Status:**	Adopted
				In control:	Committee on Public Safety
On agenda:	2/4/2004				
Enactment date:				**Enactment #:**	

Title: Resolution calling on the New York State Legislature to increase the penalty for the failure to register or verify an address as required by the Sex Offender Registration Act, and to require that convicted sex offenders perform their annual address verification in person.

Sponsors: Peter F. Vallone, Jr., Yvette D. Clarke, Tracy L. Boyland, Leroy G. Comrie, Jr., Simcha Felder, James F. Gennaro, Vincent J. Gentile, Melinda R. Katz, Margarita Lopez, Joel Rivera, Helen Sears, David Yassky, John C. Liu, Miguel Martinez, Michael C. Nelson, James Sanders, Jr., Annabel Palma, Alan J. Gerson, Allan W. Jennings, Jr., Larry B. Seabrook, James S. Oddo, Betsy Gotbaum

Indexes:

Attachments: 1. Committee Report 4/2, 2. Hearing Transcript 4/2, 3. Committee Report 12/9, 4. Heairng Transcript - Stated Meeting 12/15/04, 5. Hearing Transcript 12/9

Date	Ver.	Action By	Action	Result
2/4/2004	*	City Council	Introduced by Council	
2/4/2004	*	City Council	Referred to Comm by Council	
4/2/2004	*	Committee on Public Safety	Hearing Held by Committee	
4/2/2004	*	Committee on Public Safety	Laid Over by Committee	
12/9/2004	*	Committee on Public Safety	Hearing Held by Committee	
12/9/2004	*	Committee on Public Safety	Amendment Proposed by Comm	
12/9/2004	*	Committee on Public Safety	Amended by Committee	
12/9/2004	A	Committee on Public Safety	Approved by Committee	Pass
12/15/2004	A	City Council	Approved, by Council	Pass

Res. No. 81-A

Resolution calling on the New York State Legislature to increase the penalty for the failure to register or verify an address as required by the Sex Offender Registration Act, and to require that convicted sex offenders perform their annual address verification in person.

By Council Members Vallone Jr., Clarke, Boyland, Comrie, Felder, Gennaro, Gentile, Katz, Lopez, Rivera, Sears, Yassky, Liu, Martinez, Nelson, Sanders, Palma, Gerson, Jennings, Seabrook, Oddo and The Public Advocate (Ms. Gotbaum)

Whereas, The brutal killings of Polly Klaas and Megan Kanka, and the disappearance of Jacob

Wetterling, brought national attention to the threat that convicted sex offenders present to our communities; and

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Whereas, In response, the federal government enacted the Jacob Wetterling Violent Sexual Offender Registration Act, requiring all fifty states to establish registration programs for convicted child molesters and other sexually violent offenders; and

Whereas, New York State's Sex Offender Registration Act (SORA) requires convicted sex offenders to register with the state and to annually verify his or her address; and

Whereas, SORA's registration and address verification requirements permit law enforcement agencies and the general public to know the whereabouts of convicted sex offenders located within or near their communities; and

Whereas, Despite these requirements, convicted sex offenders are failing to register or update their registrations; unregistered convicted sex offenders pose a great threat to our communities by thwarting supervision by law enforcement agencies and preventing the general public from protecting themselves and their families; and

Whereas, The penalty for a first offense under SORA's registration and verification requirements is only a class A misdemeanor upon conviction; the more appropriate penalty for this violation of the law, however, is a class D felony; and

Whereas, Increasing the penalty to a class D felony would better protect the general public by compelling convicted sex offenders to comply with SORA's registration and verification requirements; and

Whereas, In addition, convicted sex offenders should be required to perform their annual address verification in person and be required to have their photograph taken; the current state of the law allows offenders to verify by mail, providing very little assurance of where they are actually living; and

Whereas, At the very least, the State Legislature should do away with the affirmative defense that allows offenders who fail to annually register to escape prosecution if they have not actually moved; local law enforcement and the community will therefore have a greater assurance that the address reported by the offender is correct; now, therefore, be it

Resolved, That the Council of the city of New York calls upon the New York State Legislature to increase the penalty for the failure to register or verify an address as required by the Sex Offender Registration Act, and to require that convicted sex offenders perform their annual address verification in person.