

SEX OFFENDER REGISTRATION VIOLATION NARRATIVE SAMPLE – MOVED WITHOUT NOTICE

SAMPLE LANGUAGE PROVIDED ONLY AS A GUIDELINE – SELECT OR DEVELOP LANGUAGE WHICH SUBSTANTIATES EACH AND EVERY ELEMENT OF THE OFFENSE BEING CHARGED. KEEP IN MIND THAT THE LANGUAGE HERE WILL NOT ADDRESS EVERY SCENARIO FOR REGISTRY VIOLATIONS. YOU ARE URGED TO CHECK WITH YOUR PROSECUTOR WHEN DEVELOPING AND/OR USING THESE FORMS FOR CHARGING OFFENSES.

I, _____, the complainant herein, am a police officer of the _____ of _____. I hereby accuse _____, the defendant in this action and charge that on or about _____ [date] at _____ [location] in the _____ of _____, County of _____, New York, said defendant did intentionally, knowingly, unlawfully and criminally commit the offense of **FAILURE TO REGISTER/CHANGE OF ADDRESS** contrary to the provisions of **Section 168-t** of the Correction Law of the State of New York, a class _____ felony.

The facts upon which this accusation is made are as follows:

A person is guilty of FAILURE TO REGISTER/CHANGE OF ADDRESS under the Sex Offender Registration Act when he/she fails to register in the manner and within the time periods provided for in Article 6-C of the Correction Law, to wit: Section 168-f, subdivision 4 requires that, any sex offender shall register with the New York State Division of Criminal Justice Services no later than ten calendar days after any change in address, or any change in his or her status of enrollment, attendance, employment or residence at any institution of higher education.

Upon information and belief, the defendant is a registered sex offender convicted of a registerable sex offense and thereby required to comply with certain mandates under Article 6-C of the Correction Law. Further, that the defendant, upon his/her own admission, moved from _____ on about _____ to a new address at _____ in the _____ of _____ without registering his/her new address no later than ten (10) calendar days after such change of address. The source of my information and grounds for belief being the statement and admissions of the defendant which are attached hereto and made a part thereof.

Upon information and belief, the last registered address for the defendant was at _____ in the _____ of _____, County of _____, State of New York. The source of said information being _____.

Of my own knowledge, complainant physically checked the address provided by the New York State Division of Criminal Justice Services Sex Offender Registry (Registry) as the last registered residence of the defendant at _____, finding it to be [vacant with no signs of its use as a dwelling], [vacated and not in a habitable condition], [a nonexistent address], [other – describe:_____].

Upon information and belief, a neighbor/tenant/landlord/[other] at _____, indicated that the defendant moved from _____ on about _____. The source of my information and grounds for belief being the statement of _____, attached hereto and made a part thereof.

Of my own knowledge and upon information and belief, complainant filed an address information request with the United States Postal Service at _____, New York requesting information on the

defendant and his/her last registered address of _____ [or, as aforementioned]. The Postal Service provided complainant with information on ____ [date] citing that the defendant named herein was: [not known at address given], [moved and left no forwarding address],[that there was no such address], [other - describe]; the source of my information and grounds for belief being the official business record signed/stamped/endorsed by the United States Postal Service which is attached hereto and made a part thereof.

Upon information and belief, the defendant is a registered sex offender convicted of a registerable sex offense and thereby required to comply with certain mandates under Article 6-C of the Correction Law. Further, that the Division of Criminal Justice Services (Division) mailed a notice to the defendant at his/her last known address on about _____ and that the nonforwardable notice was returned undelivered. The source of my information and grounds for belief being the affidavit of _____ of the Division's Sex Offender Registry, and the certified copy of the defendant's Sex Offender Registration form, both of which are attached hereto and made a part thereof.

[if a prior felony conviction under Article 6-C] Any sex offender required to register or verify pursuant to the provisions of Article 6-C of the Correction Law who fails to register or verify in the manner and within the time periods provided for in this Article shall be guilty of a class E felony upon conviction for a first offense, and upon conviction for a second or subsequent offense shall be guilty of a class D felony. Upon information and belief, complainant asserts that the defendant was previously convicted of _____ under Section 168-t of the Correction Law in the ____ of _____ Court. The source of my information and grounds for belief being: _____

[Jurat or Verification language]

SEX OFFENDER REGISTRATION VIOLATION NARRATIVE SAMPLE – FAILURE TO SUBMIT ANNUAL ADDRESS VERIFICATION

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I, _____, the complainant herein, am a police officer of the _____. I hereby accuse _____, the defendant in this action and charge that on or about _____ [date] at _____ [location] in the _____ of _____, County of _____, New York, said defendant did intentionally, knowingly, unlawfully and criminally commit the offense of **FAILURE TO SUBMIT ANNUAL ADDRESS VERIFICATION FORM** contrary to the provisions of **Section 168-t** of the Correction Law of the State of New York, a class _____ felony.

The facts upon which this accusation is made are as follows:

A person is guilty of FAILURE TO REGISTER/ANNUAL ADDRESS VERIFICATION under the Sex Offender Registration Act when he/she fails to register in the manner and within the time periods provided for in Article 6-C of the Correction Law, to wit: Section 168-f, subdivision 2(a) requires that, for any sex offender required to register under Article 6-C of the Correction Law on each anniversary of the sex offender's initial registration date during the period in which he is required to register, the sex offender shall mail the verification form to the Division of Criminal Justice Services (Division) within ten calendar days after receipt of the form.

Upon information and belief, the defendant is a registered sex offender convicted of a registerable sex offense and thereby required to comply with certain mandates under Article 6-C of the Correction Law. Further, that the defendant, upon his/her own admission, received the annual verification form from the Division and failed to mail such form to the Division within ten (10) calendar days after receipt. *[if possible, include dates or approximates dates]* The source of my information and grounds for belief being the statement and admissions of the defendant which are attached hereto and made a part thereof.

Of my own knowledge, complainant received a notification from the Division on about _____ indicating that the defendant failed to return the annual address verification form as required pursuant to the aforementioned section.

Of my own knowledge and upon information and belief, complainant filed an address information request with the United States Postal Service at _____, New York requesting information on the defendant and the address thereat. The Postal Service provided complainant with information citing that the defendant's mail [is/was delivered to the address given], or that the defendant named herein was: [not known at address given], [moved and left no forwarding address], [that there was no such address], [other]; the source of my information and grounds for belief being the official business record

signed/stamped/endorsed by the United States Postal Service which is attached hereto and made a part thereof.

Upon information and belief, the defendant is a registered sex offender convicted of a registerable sex offense and thereby required to comply with certain mandates under Article 6-C of eth Correction Law. Further, that the Division of Criminal Justice Services (Division) mailed a nonforwardable annual address verification notice to the defendant at his/her last known address on about _____ and that [such notice was returned to the Division as undelivered] or [such notice was not received by the Division within ten calendar days]. The source of my information and grounds for belief being the affidavit of _____ of the Division’s Sex Offender Registry, and the certified copy of the defendant’s Sex Offender Registration form, both of which are attached hereto and made a part thereof.

[if a prior felony conviction under Article 6-C] Any sex offender required to register or verify pursuant to the provisions of Article 6-C of the Correction Law who fails to register or verify in the manner and within the time periods provided for in this Article shall be guilty of a class E felony upon conviction for a first offense, and upon conviction for a second or subsequent offense shall be guilty of a class D felony. Upon information and belief, complainant asserts that the defendant was previously convicted of _____ under Section 168-t of the Correction Law in the ____ of _____ Court. The source of my information and grounds for belief being:_____

[Jurat or Verification language]

SEX OFFENDER REGISTRATION VIOLATION NARRATIVE SAMPLE – FAILURE OF LEVEL 3 OR SEXUAL PREDATOR TO PERSONALLY VERIFY EVERY 90 DAYS

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I, _____, the complainant herein, am a police officer of the _____. I hereby accuse _____, the defendant in this action and charge that on or about _____ [date] at _____ [location] in the _____ of _____, County of _____, New York, said defendant did intentionally, knowingly, unlawfully and criminally commit the offense of **FAILURE TO VERIFY ADDRESS/90 DAYS** contrary to the provisions of **Section 168-t** of the Correction Law of the State of New York, a class ____ felony.

The facts upon which this accusation is made are as follows:

A person is guilty of FAILURE TO VERIFY/90 DAYS under the Sex Offender Registration Act when he/she fails to register in the manner and within the time periods provided for in Article 6-C of the Correction Law, to wit: Section 168-f, subdivision 3 requires that the provisions of subdivision 2 of Section 168-f shall be applied to a sex offender required to register under said Article 6-C except that such sex offender designated as a sexual predator or having been given a level three designation must personally verify his/her address with the local law enforcement agency every ninety calendar days after the date of release or commencement of parole or post-release supervision, or probation, or release on payment of a fine, conditional discharge or unconditional discharge.

Upon information and belief, the defendant is a registered sex offender convicted of a registerable sex offense and thereby required to comply with certain mandates under Article 6-C of the Correction Law. Further, that the defendant is designated as a [level three sex offender][sexual predator] and is thereby required to personally verify his/her address with the local law enforcement agency, to wit: _____ [local law agency name].

The defendant, upon his/her own admission, failed to personally verify his/her address with the _____ Police/Sheriff's Department within a ninety day period, to wit: [identify or describe the 90 day window]. The source of my information and grounds for belief being the statement and admissions of the defendant which are attached hereto and made a part thereof.

[if a prior felony conviction under Article 6-C] Any sex offender required to register or verify pursuant to the provisions of Article 6-C of the Correction Law who fails to register or verify in the manner and within the time periods provided for in this Article shall be guilty of a class E felony upon conviction for a first offense, and upon conviction for a second or subsequent offense shall be guilty of a class D felony.

Upon information and belief, complainant asserts that the defendant was previously convicted of _____ under Section 168-t of the Correction Law in the ____ of _____ Court. The source of my information and grounds for belief being: _____

[Jurat or Verification language]

EXTRATERRITORIAL JURISDICTION – CONSIDER 20.40(2)(c) CPL – CONFER WITH YOUR PROSECUTOR

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“Particular effect of an offense”

§ 20.40 Geographical jurisdiction of offenses; jurisdiction of counties.

A person may be convicted in an appropriate criminal court of a particular county, of an offense of which the criminal courts of this state have jurisdiction pursuant to section 20.20, committed either by his own conduct or by the conduct of another for which he is legally accountable pursuant to section 20.00 of the penal law, when:

1. Conduct occurred within such county sufficient to establish:

(a) An element of such offense; or

(b) An attempt or a conspiracy to commit such offense; or

2. Even though none of the conduct constituting such offense may have occurred within such county:

(a) The offense committed was a result offense and the result occurred in such county; or

(b) The offense committed was one of homicide and the victim's body or a part thereof was found in such county; or

(c) Such conduct had, or was likely to have, a particular effect upon such county or a political subdivision or part thereof, and was performed with intent that it would, or with knowledge that it was likely to, have such particular effect therein; or...

§ 20.10 Geographical jurisdiction of offenses; definitions of terms.

The following definitions are applicable to this article..

4. "Particular effect of an offense." When conduct constituting an offense produces consequences which, though not necessarily amounting to a result or element of such offense, have a materially harmful impact upon the governmental processes or community welfare of a particular jurisdiction, or result in the defrauding of persons in such jurisdiction, such conduct and offense have a "particular effect" upon such jurisdiction

☐ Complainant further alleges that the defendant’s conduct falls under the jurisdiction of the court in that his/her [failure to register][failure to change his/her address][failure to submit and provide a photograph] as required under Article 6-C of the Correction Law has a particular effect upon the ____ of ____ in that [the police agency of jurisdiction would not receive proper information concerning the defendant] [the Division would not receive proper information concerning the defendant nor would the Division be able to disseminate sex offender information to other law enforcement agencies, vulnerable entities, other/etc.-list]. Such [conduct] or [noncompliance] by the defendant thereby preventing or

inhibiting the _____ Police/Sheriff's Department from monitoring the defendant [and, or] [providing notification as permitted by law to other law enforcement agencies, vulnerable entities, communities and the People of the State of New York] and further, that the defendant's conduct as cited herein substantially impairs, obstructs and frustrates the processes of the Division's Sex Offender Registry and the legislative intent of the Sex Offender Registration Act to enhance public safety and provide better tracking and monitoring of sex offenders.
