

S. 1475

A. 1423

2011-2012 Regular Sessions

S E N A T E - A S S E M B L Y

January 7, 2011

IN SENATE -- Introduced by Sen. BALL -- read twice and ordered printed,
and when printed to be committed to the Committee on Crime Victims,
Crime and Correction

IN ASSEMBLY -- Introduced by M. of A. CASTELLI, KATZ, SALADINO, CONTE,
McDONOUGH, FINCH, TOBACCO, KOLB -- read once and referred to the
Committee on Correction

AN ACT to amend the correction law, the executive law and the penal law,
in relation to certain residency requirements for sex offenders

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 168-b of the correction law is amended by adding a
2 new subdivision 13 to read as follows:
3 13. THE DIVISION, WHEN ACKNOWLEDGING INITIAL REGISTRATION AND THERE-
4 AFTER IN ANNUAL CORRESPONDENCE, SHALL ADVISE EACH SEX OFFENDER TO WHOM
5 THE RESIDENCY RESTRICTION IN SECTION ONE HUNDRED SIXTY-EIGHT-W OF THIS
6 ARTICLE APPLIES, CONCERNING THE TERMS AND SPECIFIC DURATION OF SUCH
7 RESTRICTION.
8 S 2. Section 168-t of the correction law, as amended by chapter 373 of
9 the laws of 2007, is amended to read as follows:
10 S 168-t. Penalty. Any sex offender required to register or to verify
11 pursuant to the provisions of this article who fails to register or
12 verify in the manner and within the time periods provided for in this
13 article shall be guilty of a class E felony upon conviction for the
14 first offense, and upon conviction for a second or subsequent offense
15 shall be guilty of a class D felony. Any sex offender who violates the
16 provisions of section one hundred sixty-eight-v OR SUBDIVISION ONE OF
17 SECTION ONE HUNDRED SIXTY-EIGHT-W of this article shall be guilty of a
18 class A misdemeanor upon conviction for the first offense, and upon
19 conviction for a second or subsequent offense shall be guilty of a class
20 D felony. Any such failure to register or verify may also be the basis

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 for revocation of parole pursuant to section two hundred fifty-nine-i of
2 the executive law or the basis for revocation of probation pursuant to
3 article four hundred ten of the criminal procedure law.

4 S 3. Section 168-w of the correction law, as relettered by chapter 604
5 of the laws of 2005, is relettered section 168-x and a new section 168-w
6 is added to read as follows:

7 S 168-W. RESIDENCY REQUIREMENTS FOR SEX OFFENDERS. 1. NO SEX OFFENDER
8 SHALL RESIDE IN A RESIDENCE THAT IS WITHIN ONE THOUSAND FEET OF ANY
9 SCHOOL BUILDING REGULARLY USED FOR INSTRUCTIONAL PURPOSES, A BUILDING IN
10 WHICH CHILD DAY CARE IS PROVIDED OR A PARK. THE PROVISIONS OF THIS
11 SUBDIVISION SHALL APPLY FOR THE GREATER OF TEN YEARS OR THE PERIOD OR
12 TERM OF PROBATION, PAROLE, CONDITIONAL RELEASE OR POST-RELEASE SUPER-
13 VISION APPLICABLE TO SUCH OFFENSE.

14 2. FOR PURPOSES OF THIS SECTION, "SCHOOL" SHALL MEAN A PUBLIC OR
15 PRIVATE ELEMENTARY, PAROCHIAL, INTERMEDIATE, JUNIOR HIGH, VOCATIONAL OR
16 HIGH SCHOOL.

17 3. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS RESTRICTING ANY
18 LAWFUL CONDITION THAT MAY BE IMPOSED ON A SENTENCED SEX OFFENDER.

19 S 4. Section 259-c of the executive law is amended by adding a new
20 subdivision 18 to read as follows:

21 18. WHEN THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-EIGHT-W OF THE
22 CORRECTION LAW CONCERNING CERTAIN RESTRICTIONS ON RESIDENCE APPLY,
23 DIRECT THE DIVISION TO NOTIFY THE RELEASEE OF THE RESTRICTION IN WRITING
24 AND DIRECT THE SUPERVISING PAROLE OFFICER TO NOTIFY THE RELEASEE OF SUCH
25 RESTRICTION ORALLY AND IN WRITING.

26 S 5. Section 65.10 of the penal law is amended by adding a new subdi-
27 vision 6 to read as follows:

28 6. NOTICE OF RESIDENCY REQUIREMENTS FOR SEX OFFENDERS. WHEN THE
29 PROVISIONS OF SECTION ONE HUNDRED SIXTY-EIGHT-W OF THE CORRECTION LAW
30 CONCERNING CERTAIN RESTRICTIONS ON RESIDENCE APPLY, THE COURT SHALL
31 NOTIFY THE DEFENDANT OF THE RESTRICTION IN WRITING AND THE SUPERVISING
32 PROBATION OFFICER SHALL NOTIFY THE OFFENDER OF THE RESTRICTION ORALLY
33 AND IN WRITING.

34 S 6. This act shall take effect on the sixtieth day after it shall
35 have become a law and shall apply to sex offenders convicted or released
36 on or after such date.