

4560

2011-2012 Regular Sessions

I N   S E N A T E

April 12, 2011

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

AN ACT to amend the correction law, the penal law and the executive law, in relation to prohibiting level three sex offenders from living in college housing

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

1     Section 1. Paragraph (b-1) of subdivision 2 of section 168-f of the  
2     correction law, as amended by chapter 10 of the laws of 2003, is amended  
3     to read as follows:  
4     (b-1) If the sex offender has been given a level three designation,  
5     such offender shall sign the verification form, and state that he or she  
6     still is employed at the address last reported to the division. IF A SEX  
7     OFFENDER HAS BEEN GIVEN A LEVEL THREE DESIGNATION, SUCH OFFENDER SHALL  
8     NOT RESIDE IN STUDENT HOUSING OF ANY INSTITUTION OF HIGHER EDUCATION.  
9     S 2. Section 168-t of the correction law, as amended by chapter 373 of  
10    the laws of 2007, is amended to read as follows:  
11    S 168-t. Penalty. Any sex offender required to register or to verify  
12    pursuant to the provisions of this article who fails to register or  
13    verify in the manner and within the time periods provided for in this  
14    article shall be guilty of a class E felony upon conviction for the  
15    first offense, and upon conviction for a second or subsequent offense  
16    shall be guilty of a class D felony. Any sex offender who violates the  
17    provisions of section one hundred sixty-eight-v of this article OR THE  
18    PROVISIONS OF PARAGRAPH (B-1) OF SUBDIVISION TWO OF SECTION ONE HUNDRED  
19    SIXTY-EIGHT-F OF THIS ARTICLE CONCERNING THE PROHIBITION ON RESIDING IN  
20    STUDENT HOUSING OF ANY INSTITUTION OF HIGHER EDUCATION shall be guilty  
21    of a class A misdemeanor upon conviction for the first offense, and upon  
22    conviction for a second or subsequent offense shall be guilty of a class  
23    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. Paragraph (a) of subdivision 4-a of section 65.10 of the penal  
5 law, as amended by chapter 67 of the laws of 2008, is amended to read as  
6 follows:

7 (a) When imposing a sentence of probation or conditional discharge  
8 upon a person convicted of an offense defined in article one hundred  
9 thirty, two hundred thirty-five or two hundred sixty-three of this chap-  
10 ter, or section 255.25, 255.26 or 255.27 of this chapter, and the victim  
11 of such offense was under the age of eighteen at the time of such  
12 offense or such person has been designated a level three sex offender  
13 pursuant to subdivision six of section [168-1] ONE HUNDRED SIXTY-EIGHT-L  
14 of the correction law, the court shall require, as a mandatory condition  
15 of such sentence, that such sentenced offender shall refrain from know-  
16 ingly entering into or upon any school grounds, as that term is defined  
17 in subdivision fourteen of section 220.00 of this chapter, or any other  
18 facility or institution primarily used for the care or treatment of  
19 persons under the age of eighteen while one or more of such persons  
20 under the age of eighteen are present, provided however, that when such  
21 sentenced offender is a registered student or participant or an employee  
22 of such facility or institution or entity contracting therewith or has a  
23 family member enrolled in such facility or institution, such sentenced  
24 offender may, with the written authorization of his or her probation  
25 officer or the court and the superintendent or chief administrator of  
26 such facility, institution or grounds, enter such facility, institution  
27 or upon such grounds for the limited purposes authorized by the  
28 probation officer or the court and superintendent or chief officer. IF A  
29 SEX OFFENDER HAS BEEN GIVEN A LEVEL THREE DESIGNATION, SUCH OFFENDER  
30 SHALL NOT RESIDE IN STUDENT HOUSING OF ANY INSTITUTION OF HIGHER EDUCA-  
31 TION. Nothing in this subdivision shall be construed as restricting any  
32 lawful condition of supervision that may be imposed on such sentenced  
33 offender.

34 S 4. Subdivision 14 of section 259-c of the executive law, as amended  
35 by section 38-b of subpart A of C of chapter 62 of the laws of 2011, is  
36 amended to read as follows:

37 14. notwithstanding any other provision of law to the contrary, where  
38 a person serving a sentence for an offense defined in article one  
39 hundred thirty, one hundred thirty-five or two hundred sixty-three of  
40 the penal law or section 255.25, 255.26 or 255.27 of the penal law and  
41 the victim of such offense was under the age of eighteen at the time of  
42 such offense or such person has been designated a level three sex offen-  
43 der pursuant to subdivision six of section one hundred sixty-eight-1 of  
44 the correction law, is released on parole or conditionally released  
45 pursuant to subdivision one or two of this section, the board shall  
46 require, as a mandatory condition of such release, that such sentenced  
47 offender shall refrain from knowingly entering into or upon any school  
48 grounds, as that term is defined in subdivision fourteen of section  
49 220.00 of the penal law, or any other facility or institution primarily  
50 used for the care or treatment of persons under the age of eighteen  
51 while one or more of such persons under the age of eighteen are present,  
52 provided however, that when such sentenced offender is a registered  
53 student or participant or an employee of such facility or institution or  
54 entity contracting therewith or has a family member enrolled in such  
55 facility or institution, such sentenced offender may, with the written  
56 authorization of his or her parole officer and the superintendent or

1 chief administrator of such facility, institution or grounds, enter such  
2 facility, institution or upon such grounds for the limited purposes  
3 authorized by the parole officer and superintendent or chief officer. IF  
4 A SEX OFFENDER HAS BEEN GIVEN A LEVEL THREE DESIGNATION, SUCH OFFENDER  
5 SHALL NOT RESIDE IN STUDENT HOUSING OF ANY INSTITUTION OF HIGHER EDUCA-  
6 TION. Nothing in this subdivision shall be construed as restricting any  
7 lawful condition of supervision that may be imposed on such sentenced  
8 offender.

9 S 5. This act shall take effect immediately.