

2013-2014 Regular Sessions

I N   S E N A T E

(PREFILED)

January 9, 2013

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Introduced by Sen. SAMPSON -- 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 and the penal law, in relation to prohibiting persons required to maintain registration under the sex offender registration act from entering into a children's section of a public library

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

1     Section 1. Section 168-w of the correction law, as relettered by chap-  
2     ter 604 of the laws of 2005, is relettered section 168-x and a new  
3     section 168-w is added to read as follows:  
4     S 168-W. PROHIBITION FROM ENTERING A CHILDREN'S SECTION OF A PUBLIC  
5     LIBRARY. ANY PERSON REQUIRED TO MAINTAIN REGISTRATION UNDER THIS ARTICLE  
6     (SEX OFFENDER REGISTRATION ACT) SHALL REFRAIN FROM ENTERING INTO OR UPON  
7     ANY AREA OR ROOM IN A PUBLIC LIBRARY DESIGNATED AS A CHILDREN'S SECTION.  
8     S 2. Paragraph (a) of subdivision 4-a of section 65.10 of the penal  
9     law, as amended by chapter 67 of the laws of 2008, is amended to read as  
10    follows:  
11    (a) When imposing a sentence of probation or conditional discharge  
12    upon a person convicted of an offense defined in article one hundred  
13    thirty, two hundred thirty-five or two hundred sixty-three of this chap-  
14    ter, or section 255.25, 255.26 or 255.27 of this chapter, and the victim  
15    of such offense was under the age of eighteen at the time of such  
16    offense or such person has been designated a level three sex offender  
17    pursuant to subdivision six of section 168-l of the correction law, the  
18    court shall require, as a mandatory condition of such sentence, that  
19    such sentenced offender shall refrain from knowingly entering into or  
20    upon any school grounds, as that term is defined in subdivision fourteen  
21    of section 220.00 of this chapter, OR ANY AREA OR ROOM OF A PUBLIC

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

LBD00233-01-3

1 LIBRARY DESIGNATED AS A CHILDREN'S SECTION, or any other facility or  
2 institution primarily used for the care or treatment of persons under  
3 the age of eighteen while one or more of such persons under the age of  
4 eighteen are present, provided however, that when such sentenced offen-  
5 der is a registered student or participant or an employee of such facil-  
6 ity or institution or entity contracting therewith or has a family  
7 member enrolled in such facility or institution, such sentenced offender  
8 may, with the written authorization of his or her probation officer or  
9 the court and the superintendent or chief administrator of such facili-  
10 ty, institution or grounds, enter such facility, institution or upon  
11 such grounds for the limited purposes authorized by the probation offi-  
12 cer or the court and superintendent or chief officer. Nothing in this  
13 subdivision shall be construed as restricting any lawful condition of  
14 supervision that may be imposed on such sentenced offender.  
15 S 3. This act shall take effect immediately.