

STATE OF NEW YORK

8449

2017-2018 Regular Sessions

IN ASSEMBLY

June 16, 2017

Introduced by M. of A. SIMANOWITZ -- read once and referred to the
Committee on Correction

AN ACT to amend the correction law, in relation to prohibiting certain
sex offenders from entering or remaining upon the grounds of certain
facilities for children

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Section 168-t of the correction law, as amended by chapter
2 373 of the laws of 2007, is amended to read as follows:

3 § 168-t. Penalty. Any sex offender required to register or to verify
4 pursuant to the provisions of this article who fails to register or
5 verify in the manner and within the time periods provided for in this
6 article shall be guilty of a class E felony upon conviction for the
7 first offense, and upon conviction for a second or subsequent offense
8 shall be guilty of a class D felony. Any sex offender who violates the
9 provisions of section one hundred sixty-eight-v of this article shall be
10 guilty of a class A misdemeanor upon conviction for the first offense,
11 and upon conviction for a second or subsequent offense shall be guilty
12 of a class D felony. Any sex offender who violates the provisions of
13 section one hundred sixty-eight-w of this article shall be guilty of a
14 class D felony. Any such failure to register or verify may also be the
15 basis for revocation of parole pursuant to section two hundred fifty-
16 nine-i of the executive law or the basis for revocation of probation
17 pursuant to article four hundred ten of the criminal procedure law.

18 § 2. Section 168-w of the correction law, as relettered by chapter 604
19 of the laws of 2005, is renumbered section 168-x and a new section 168-w
20 is added to read as follows:

21 § 168-w. Prohibition of presence upon the grounds of facilities for
22 children. A sex offender required to register under this article who
23 has been given a level two or level three designation, or if the victim
24 of a sex offender's offense was under the age of eighteen at the time of

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

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1 such offense, shall not, while such sex offender is required to register
2 and verify pursuant to this article, knowingly enter or remain upon any
3 school grounds, as such term is defined in subdivision fourteen of
4 section 220.00 of the penal law, or upon the grounds or within any
5 facility or institution primarily used for the care or treatment of
6 persons under the age of eighteen while one or more of such persons
7 under the age of eighteen are present; provided, however, that when such
8 sex offender is a registered student, participant or employee of such
9 facility, institution or an entity contracting therewith, or has a fami-
10 ly member enrolled or admitted in such facility or institution, such sex
11 offender may, if he or she is not under probation or parole supervision,
12 with the written authorization of the superintendent or chief adminis-
13 trator of such facility, institution or grounds, enter such facility,
14 institution or grounds, for the limited purposes authorized by such
15 superintendent or chief administrative officer.

16 § 3. This act shall take effect on the thirtieth day after it shall
17 have become a law.