

STATE OF NEW YORK

1451

2019-2020 Regular Sessions

IN ASSEMBLY

January 15, 2019

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

AN ACT to amend the correction law, the penal law and the executive law, in relation to prohibiting certain sex offenders from entering any school grounds; and to amend the education law, in relation to requiring school districts to adopt procedures for the admission of visitors to a school building

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 renumbered section 168-x and a new
3 section 168-w is added to read as follows:

4 § 168-w. Prohibition on entering any school grounds. Notwithstanding
5 any other law, rule or regulation to the contrary, it shall be unlawful
6 for any level two or three sex offender to knowingly enter into or upon
7 any school grounds, as that term is defined in subdivision fourteen of
8 section 220.00 of the penal law. The prohibition imposed by this section
9 shall remain in effect for as long as a person is classified as a level
10 two or three sex offender.

11 § 2. Paragraph (a) of subdivision 4-a of section 65.10 of the penal
12 law, as amended by chapter 67 of the laws of 2008, is amended to read as
13 follows:

14 (a) When imposing a sentence of probation or conditional discharge
15 upon a person convicted of an offense defined in article one hundred
16 thirty, two hundred thirty-five or two hundred sixty-three of this chap-
17 ter, or section 255.25, 255.26 or 255.27 of this chapter, and the victim
18 of such offense was under the age of eighteen at the time of such
19 offense or such person has been designated a level two or three sex
20 offender pursuant to subdivision six of section 168-l of the correction
21 law, the court shall require, as a mandatory condition of such sentence,
22 that such sentenced offender shall refrain from knowingly entering into

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

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1 or upon any school grounds, as that term is defined in subdivision four-
2 teen of section 220.00 of this chapter, or any other facility or insti-
3 tution primarily used for the care or treatment of persons under the age
4 of eighteen while one or more of such persons under the age of eighteen
5 are present[~~, provided however, that when such sentenced offender is a~~
6 ~~registered student or participant or an employee of such facility or~~
7 ~~institution or entity contracting therewith or has a family member~~
8 ~~enrolled in such facility or institution, such sentenced offender may,~~
9 ~~with the written authorization of his or her probation officer or the~~
10 ~~court and the superintendent or chief administrator of such facility,~~
11 ~~institution or grounds, enter such facility, institution or upon such~~
12 ~~grounds for the limited purposes authorized by the probation officer or~~
13 ~~the court and superintendent or chief officer]~~. Nothing in this subdivi-
14 sion shall be construed as restricting any lawful condition of super-
15 vision that may be imposed on such sentenced offender.

16 § 3. Subdivision 14 of section 259-c of the executive law, as amended
17 by section 38-b of subpart A of part C of chapter 62 of the laws of
18 2011, is amended to read as follows:

19 14. notwithstanding any other provision of law to the contrary, where
20 a person serving a sentence for an offense defined in article one
21 hundred thirty, one hundred thirty-five or two hundred sixty-three of
22 the penal law or section 255.25, 255.26 or 255.27 of the penal law and
23 the victim of such offense was under the age of eighteen at the time of
24 such offense or such person has been designated a level two or three sex
25 offender pursuant to subdivision six of section one hundred
26 sixty-eight-l of the correction law, is released on parole or condi-
27 tionally released pursuant to subdivision one or two of this section,
28 the board shall require, as a mandatory condition of such release, that
29 such sentenced offender shall refrain from knowingly entering into or
30 upon any school grounds, as that term is defined in subdivision fourteen
31 of section 220.00 of the penal law, or any other facility or institution
32 primarily used for the care or treatment of persons under the age of
33 eighteen while one or more of such persons under the age of eighteen are
34 present[~~, provided however, that when such sentenced offender is a~~
35 ~~registered student or participant or an employee of such facility or~~
36 ~~institution or entity contracting therewith or has a family member~~
37 ~~enrolled in such facility or institution, such sentenced offender may,~~
38 ~~with the written authorization of his or her parole officer and the~~
39 ~~superintendent or chief administrator of such facility, institution or~~
40 ~~grounds, enter such facility, institution or upon such grounds for the~~
41 ~~limited purposes authorized by the parole officer and superintendent or~~
42 ~~chief officer]~~. Nothing in this subdivision shall be construed as
43 restricting any lawful condition of supervision that may be imposed on
44 such sentenced offender.

45 § 4. Paragraph b of subdivision 2 of section 2801 of the education
46 law, as added by chapter 181 of the laws of 2000, is amended to read as
47 follows:

48 b. standards and procedures to assure security and safety of students
49 and school personnel, including, but not limited to, procedures for the
50 admission of visitors to a school building including to ensure such
51 visitors are not registered as level two or three sex offenders pursuant
52 to article six-C of the correction law;

53 § 5. This act shall take effect on the ninetieth day after it shall
54 have become a law.