

STATE OF NEW YORK

2711

2025-2026 Regular Sessions

IN SENATE

January 22, 2025

Introduced by Sens. OBERACKER, ASHBY, BORRELLO, GALLIVAN, MATTERA, PALUMBO -- 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, in relation to restricting sex offenders from residing near the residence of their victim or near any school

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 renumbered 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. Level two and level three sex offender residence limitations;
5 penalty. 1. (a) It shall be unlawful for any level two or level three
6 sex offender to knowingly reside within fifteen hundred feet of the
7 residence of a victim of their sex offense or sexually violent offense.

8 (b) The residence prohibition established by paragraph (a) of this
9 subdivision shall remain in effect for as long as the offender is clas-
10 sified as a level two or three sex offender.

11 (c) In any prosecution pursuant to this subdivision, it shall be an
12 affirmative defense that, after the sex offender's conviction of a sex
13 offense or sexually violent offense, the victim of such offense estab-
14 lished a residence within fifteen hundred feet of the sex offender's
15 residence.

16 (d) No provision of this subdivision shall be deemed to require the
17 disclosure or notification of the address of any victim to a sex offen-
18 der.

19 2. (a) It shall be unlawful for any level two or three sex offender to
20 knowingly reside or enter within one thousand five hundred feet of any
21 school grounds. For the purposes of this subdivision, "school grounds"
22 means any building, structure, athletic playing field, playground or
23 land contained within the real property line of a public or private

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

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1 elementary, parochial, intermediate, junior high, vocational or high
2 school.

3 (b) It shall be unlawful for any level two or three sex offender to
4 knowingly attend or participate in any event or activity sponsored by a
5 public or private elementary, parochial, intermediate, junior high,
6 vocational or high school, regardless of whether such event or activity
7 is conducted upon school grounds.

8 (c) The prohibitions imposed by paragraphs (a) and (b) of this subdivi-
9 vision shall remain in effect for as long as the sex offender is classi-
10 fied as a level two or three sex offender.

11 (d) In any prosecution pursuant to paragraph (a) of this subdivision,
12 it shall be an affirmative defense that:

13 (i) the sex offender resides within a facility operated by and is in
14 the custody of a local corrections department, a county sheriff, the
15 department, the office of children and family services or the office of
16 mental health;

17 (ii) the sex offender established their residence prior to the effec-
18 tive date of this subdivision, or school grounds are established or
19 extended after the sex offender has established their residence;

20 (iii) the sex offender is under twenty-one years of age or a ward
21 under a guardianship; or

22 (iv) the sex offender's place of residence has been fixed by order of
23 a court of competent jurisdiction, or by any federal, state, county or
24 city agency having jurisdiction over the sex offender.

25 (e) Notwithstanding the provisions of paragraph (a) of this subdivi-
26 sion, a level two or three sex offender may enter upon and within one
27 thousand five hundred feet of school grounds for the limited purpose of
28 casting their ballot at their polling place, within such one thousand
29 five hundred feet area, in a special, primary or general election for
30 which the sex offender is registered to vote. The provisions of this
31 paragraph shall only apply to a sex offender who provides not less than
32 thirty days notice to the building principal of the appropriate school,
33 that such sex offender will be entering upon or near school grounds for
34 the purpose of voting. Such notice shall also state the one hour period
35 of time during which the sex offender will cast their ballot, and the
36 exemption granted by this paragraph shall only apply to the sex offender
37 during such one hour period of time.

38 3. A sex offender who violates the provisions of this section shall be
39 guilty of a class E felony.

40 § 2. This act shall take effect on the one hundred eightieth day after
41 it shall have become a law.