S T A T E O F N E W Y O R K

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I N A S S E M B L Y

March 19, 2010

Introduced by M. of A. TEDISCO, KOLB, RAIA, THIELE, MOLINARO -- Multi-Sponsored by -- M. of A. AMEDORE, BACALLES, BURLING, CALHOUN, CONTE, CROUCH, FITZPATRICK, J. MILLER, REILICH -- read once and referred to the Committee on Correction

AN ACT to amend the correction law and the penal law, in relation to establishing additional restrictions on relocation for certain sex offenders

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

Section 1. The section heading of section 168-j of the correction law, as amended by chapter 11 of the laws of 2002, is amended and two new subdivisions 6 and 7 are added to read as follows:

Notification of local law enforcement agencies of change of address; PROHIBITED RELOCATIONS.

6. ANY PERSON WHO HAS BEEN CONVICTED OF OR CONVICTED FOR AN ATTEMPT TO COMMIT AN OFFENSE UNDER SECTION 130.20, 130.25, 130.30, 130.35, 130.40, 130.45, 130.50, 130.55, 130.60, 130.65, 130.66, 130.67, 130.70, 130.75, 130.80, 255.25 OR ARTICLE TWO HUNDRED SIXTY-THREE OF THE PENAL LAW OR OTHER OFFENSES DEFINED UNDER THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-EIGHT-A OF THIS ARTICLE, WHERE THE VICTIM OF SUCH OFFENSE WAS A PERSON UNDER THE AGE OF EIGHTEEN, WHO IS REQUIRED TO REGISTER UNDER THE PROVISIONS OF THIS ARTICLE, OR ANY LEVEL THREE SEX OFFENDER REQUIRED TO REGISTER OR VERIFY PURSUANT TO THIS ARTICLE, SHALL NOT ESTABLISH A RESIDENTIAL RESIDENCE, EITHER FREEHOLD OR LEASEHOLD, WITHIN ONE THOUSAND FEET OF THE GROUNDS OF ANY SCHOOL THAT WORKS WITH, INSTRUCTS, OR TREATS CHILDREN UNDER THE AGE OF EIGHTEEN.

7. "GROUNDS OF ANY SCHOOL" MEANS IN OR ON OR WITHIN ANY BUILDING, STRUCTURE, ATHLETIC PLAYING FIELD, PLAYGROUND OR LAND CONTAINED WITHIN THE REAL PROPERTY BOUNDARY LINE OF A CERTIFIED DAY CARE CENTER, PUBLIC OR PRIVATE ELEMENTARY, PAROCHIAL, INTERMEDIATE, JUNIOR HIGH, VOCATIONAL, OR HIGH SCHOOL, OR SIMILAR EDUCATIONAL INSTITUTION WHERE CHILDREN ARE IN DAILY ATTENDANCE, OR WITHIN ONE THOUSAND FEET OF THE REAL PROPERTY BOUNDARY LINE COMPRISING ANY SUCH SCHOOL, CENTER, OR INSTITUTION.

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

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S 2. The penal law is amended by adding a new section 70.09 to read as follows:

S 70.09 SENTENCE OF IMPRISONMENT FOR DELINEATED SEX OFFENSE.

NOTWITHSTANDING ANY OTHER PROVISION OF THE LAW TO THE CONTRARY, ANY PERSON WHO COMMITS ANY OFFENSE SET FORTH UNDER SUBDIVISION SIX OF SECTION ONE HUNDRED SIXTY-EIGHT-J OF THE CORRECTION LAW WITHIN ONE THOUSAND FEET OF THE GROUNDS OF ANY SCHOOL AS DEFINED IN SUBDIVISION SEVEN OF SECTION ONE HUNDRED SIXTY-EIGHT-J OF THE CORRECTION LAW SHALL BE SUBJECT TO A PERMISSIBLE SENTENCE OF IMPRISONMENT WHICH IS TWO TIMES THE SENTENCE OF IMPRISONMENT FOR SUCH OFFENSE OTHERWISE PROVIDED FOR IN THIS CHAPTER.

S 3. This act shall take effect on the first of September next succeeding the date on which it shall have become a law.