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

April 2, 2010

Introduced by M. of A. TEDISCO, SCOZZAFAVA, McDONOUGH, RAIA, THIELE -- Multi-Sponsored by -- M. of A. ALFANO, BACALLES, BARCLAY, BARRA, BURLING, CALHOUN, CONTE, CROUCH, FINCH, FITZPATRICK, GIGLIO, HAYES, KOLB, J. MILLER, OAKS, O'MARA, QUINN, SALADINO, SAYWARD, SPANO -- read once and referred to the Committee on Correction

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

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

Section 1. Paragraph (c) of subdivision 5 of section 168-l of the correction law, as added by chapter 192 of the laws of 1995, is amended to read as follows:

(c) conditions of release that minimize risk [or] OF re-offense, including but not limited to whether the sex offender is under supervision; receiving counseling, therapy or treatment; [or] residing in a home situation that provides guidance and supervision; OR THE EXISTENCE OF PROVISIONS TO MINIMIZE THE NUMBER OF SEX OFFENDERS THAT ARE PLACED OR LOCATED WITHIN RESIDENTIAL AREAS OF A MUNICIPALITY OR PORTION OF A MUNICIPALITY THAT ALREADY CONTAINS A HIGH CONCENTRATION OF SUCH INDIVIDUALS;

S 2. The correction law is amended by adding a new section 168-ll to read as follows:

S 168-LL. GUIDELINES FOR LOCATION FOR SEX OFFENDERS. THE DIVISION, IN CONSULTATION AND COOPERATION WITH THE BOARD OF EXAMINERS OF SEX OFFENDERS, DIVISION OF PAROLE, DEPARTMENT OF MENTAL HYGIENE, AND LOCAL PROBATION DEPARTMENTS THROUGHOUT THE STATE SHALL DEVELOP GUIDELINES AND PROCEDURES ON THE PLACEMENT, LOCATION, RELOCATION, OR SETTLEMENT OF SEXUAL OFFENDERS, SEXUALLY VIOLENT OFFENDERS AND SEXUAL PREDATORS WITHIN THE COMMUNITY THAT HAVE BEEN CLASSIFIED WITH A LEVEL TWO OR LEVEL THREE DESIGNATION. SUCH GUIDELINES AND PROCEDURES SHALL BE BASED UPON, BUT NOT LIMITED TO, THE FOLLOWING:

1. THAT MUNICIPALITIES BE ALLOWED TO REJECT THE PLACEMENT OF ADDITIONAL LEVEL TWO AND LEVEL THREE SEX OFFENDERS IN SUCH MUNICIPALITY. FACTORS TO BE CONSIDERED IN DETERMINING WHETHER A MUNICIPALITY SHALL ACCEPT ANY MORE SUCH INDIVIDUALS SHALL INCLUDE:

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

LBD15913-01-0

(A) THAT SUCH INDIVIDUALS ARE NOT CURRENTLY OVERLY CONCENTRATED IN RESIDENTIAL AREAS OF ONE MUNICIPALITY OR PORTION OF A MUNICIPALITY;

(B) ALL EFFORTS ARE BEING MADE TO LOCATE SUCH INDIVIDUALS IN AREAS THAT HAVE ADEQUATE SUPPORT SERVICES TO MINIMIZE THE RISK OF RE-OFFENSE;

(C) THAT FAMILY AND FRIENDS ARE LOCATED REASONABLY CLOSE TO SUCH INDIVIDUALS TO PROVIDE FINANCIAL, PSYCHOLOGICAL, SOCIAL, AND MORAL SUPPORT TO SUCH INDIVIDUALS IN ORDER TO MINIMIZE THE RISK OF RE-OFFENSE; AND

(D) MEASURES ARE TAKEN TO ENSURE THAT SUCH INDIVIDUALS ARE PLACED IN COMMUNITIES THAT CAN PHYSICALLY ACCOMMODATE SUCH INDIVIDUALS AND THAT SUCH INDIVIDUALS ARE NOT LOCATED NEAR RE-OFFENSE RISK CENTERS, INCLUDING, BUT NOT LIMITED TO, SCHOOLS, DAY CARE CENTERS, PLAYGROUNDS, OR ANY OTHER FACILITY OR AREA THAT ATTRACTS CHILDREN OR IN WHICH CHILDREN CONGREGATE;

2. THAT MUNICIPALITIES SHALL BE PERMITTED TO ALLOW OR REJECT A SECURE COMMUNITY RESIDENCE FOR SEX OFFENDERS WITHIN SUCH MUNICIPALITY; AND

3. THAT MUNICIPALITIES SHALL BE ALLOWED TO LIMIT THE NUMBER OF LEVEL TWO AND LEVEL THREE SEX OFFENDERS AT AN ADDRESS WHO ARE NOT MARRIED OR RELATED TO EACH OTHER TO NO MORE THAN ONE PER SUCH ADDRESS.

S 3. This act shall take effect immediately.