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

3671

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. KOON, BRADLEY, CARROZZA, CYMBROWITZ, ORTIZ, SCHROEDER, MORELLE -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, GALEF, GUNTHER, HOOPER, LUPARDO, MAYERSOHN, PHEFFER, RAMOS, ROBINSON, SCHIMMINGER, TOWNS, WEISENBERG, WRIGHT -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to restricting where level three sex offenders may reside

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

Section 1. Section 168-w of the correction law, as relettered by chapter 604 of the laws of 2005, is relettered section 168-x and a new section 168-w is added to read as follows:

S 168-W. LEVEL THREE SEX OFFENDERS RESIDENCE LIMITATION; PENALTY. 1. IT SHALL BE UNLAWFUL FOR ANY LEVEL THREE SEX OFFENDER TO RESIDE WITHIN ONE QUARTER MILE OF ANY PUBLIC OR PRIVATE ELEMENTARY, MIDDLE, HIGH, OR NURSERY SCHOOL; OR LICENSED DAY CARE FACILITY.

2. NO SHELTER OR HOUSING ACCOMMODATION SHALL PERMIT OR CAUSE THE PLACEMENT OF ANY LEVEL THREE SEX OFFENDER IF SUCH SHELTER OR HOUSING ACCOMMODATION IS WITHIN ONE QUARTER MILE OF ANY PUBLIC OR PRIVATE ELEMENTARY, MIDDLE, HIGH, OR NURSERY SCHOOL; OR LICENSED DAY CARE FACILITY.

3. THE RESIDENCE PROHIBITION ESTABLISHED BY SUBDIVISIONS ONE AND TWO OF THIS SECTION SHALL REMAIN IN EFFECT FOR AS LONG AS THE OFFENDER IS CLASSIFIED AS A LEVEL THREE SEX OFFENDER.

4. A SEX OFFENDER WHO VIOLATES THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL BE GUILTY OF A CLASS E FELONY.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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