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

3772

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

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

AN ACT creating a temporary New York state commission on sex offender supervision and management and providing for the repeal of such provisions upon expiration thereof

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

Section 1. Legislative findings and intent. The legislature hereby finds and declares that persons convicted of a sex offense present a danger to the public. It is necessary that these offenders receive appropriate supervision and treatment designed to reduce the risk of re-offense in order to ensure the safety, health and welfare of the communities in which convicted sex offenders reside. The legislature further finds that New York's state prison system does not adequately prepare inmates for a safe return to the community upon the completion of their sentence. Lack of treatment during incarceration creates a threat to public safety by increasing the likelihood that inmates released to the community will be unable to successfully transition back to society and therefore heightens the risk of re-offense. This is especially true for sex offenders who often do not find appropriate housing and treatment programs in the community. Further, the division of parole, local probation departments and social services agencies are often unable to locate suitable housing for convicted sex offenders. This lack of housing has resulted in an unacceptable level of concentration of sex offenders in certain residential areas.

S 2. A temporary state commission, to be known as the New York state commission on sex offender supervision and management, hereinafter referred to as the commission, is hereby created to examine, evaluate, and make recommendations concerning the effectiveness of programs involving inmates who are required to register as a sex offender pursuant to article 6-C of the correction law released from state and local

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

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correctional facilities. The commission shall investigate all factors that impact the risk of recidivism, and lead to the concentration of sex offenders in certain residential areas. The commission shall analyze the impact of existing policies and practices and compare such policies and practices of this state to those of other states and the federal government. The commission shall collect data from state and federal agencies and may analyze any current research deemed relevant and appropriate. Specifically, the commission shall examine at least the following:

(a) the existence of concentrations of registered sex offenders in certain residential areas and municipalities and the circumstances that caused such concentrations to exist;

(b) the practices and procedures of the division of parole, local probation departments and local social services districts in investigating and approving residences for convicted sex offenders;

(c) the availability of appropriate housing for convicted sex offenders;

(d) the adequacy of supervision and monitoring of registered sex offenders under the supervision of the division of parole or serving a sentence of probation; and

(e) the effectiveness and availability of existing sex offender treatment programs and the need for additional sex offender treatment programs in prison, local correctional facilities and the community.

S 3. The commission shall consist of thirteen members, to be appointed as follows: three members shall be appointed by the governor, one each from the department of correctional services, the division of parole, and the division of probation and correctional alternatives; six members, with three appointments by the temporary president of the senate and three by the speaker of the assembly, shall be representative of community-based providers of employment, education, housing and other services used by individuals returning to society from prison, criminal justice advocates, victim advocacy groups, and academic professionals in the field of criminal justice; one member shall be appointed by the minority leader of the senate; and one member shall be appointed by the minority leader of the assembly. The remaining members shall be the head or designee of the division of the criminal justice services and the head or designee of the office of temporary and disability assistance. The chairperson of the commission shall be the head or designee of the division of criminal justice services. The vice-chairperson of the commission shall be a representative of one of the community-based organizations and appointed by the chairperson. Vacancies in the membership of the commission and among its officers shall be filled in the manner provided for original appointments or designations.

S 4. The members of the commission shall receive no compensation for their services, but shall be allowed their actual and necessary expenses incurred in the performance of their duties hereunder. To the maximum extent feasible, the commission shall be entitled to request and receive and shall utilize and be provided with such facilities, resources, and data of any court, department, division, board, bureau, commission, or agency of the state or any political subdivision thereof as it deems necessary or desirable to carry out properly its powers and duties hereunder.

S 5. For the accomplishment of its purposes, the commission shall be authorized and empowered to undertake any studies, inquiries, surveys or analyses it may deem relevant in cooperation with or by agreement with any other public or private agency. The commission shall meet and hold public hearings or private meetings within or without the state, and

shall have all the powers of a legislative committee pursuant to the legislative law.

S 6. The commission shall make a report of its findings, including any recommendations for legislative action as it may deem necessary and appropriate, to the governor, the temporary president of the senate, and the speaker of the assembly no later than one year after the effective date of this act.

S 7. This act shall take effect immediately and shall expire and be deemed repealed 1 year after such effective date; provided that the appointment of members to the New York state commission on sex offender supervision and management shall be completed within 90 days of such effective date.