

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

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

19 S 2. A temporary state commission, to be known as the New York state
20 commission on sex offender supervision and management, hereinafter
21 referred to as the commission, is hereby created to examine, evaluate,
22 and make recommendations concerning the effectiveness of programs
23 involving inmates who are required to register as a sex offender pursu-
24 ant 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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1 correctional facilities. The commission shall investigate all factors
2 that impact the risk of recidivism, and lead to the concentration of sex
3 offenders in certain residential areas. The commission shall analyze the
4 impact of existing policies and practices and compare such policies and
5 practices of this state to those of other states and the federal govern-
6 ment. The commission shall collect data from state and federal agencies
7 and may analyze any current research deemed relevant and appropriate.
8 Specifically, the commission shall examine at least the following:

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

12 (b) the practices and procedures of the division of parole, local
13 probation departments and local social services districts in investigat-
14 ing and approving residences for convicted sex offenders;

15 (c) the availability of appropriate housing for convicted sex offen-
16 ders;

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

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

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

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

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

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

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

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