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

3919

2009-2010 Regular Sessions

I N A S S E M B L Y

January 29, 2009

Introduced by M. of A. KOON, JOHN, GABRYSZAK, REILLY, CHRISTENSEN, FIELDS, COLTON, ROBINSON, SCHROEDER, EDDINGTON -- Multi-Sponsored by -- M. of A. ALFANO, BACALLES, BENJAMIN, CLARK, DUPREY, FINCH, HYER-SPENCER, MAISEL, MAYERSOHN, McDONOUGH, McKEVITT, MOLINARO, OAKS, PEOPLES, PHEFFER, SAYWARD, WALKER -- read once and referred to the Committee on Mental Health, Mental Retardation and Developmental Disabilities

AN ACT to amend the mental hygiene law, in relation to establishing new sexually violent predator facilities

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

Section 1. The mental hygiene law is amended by adding a new section 7.26 to read as follows:

S 7.26 SEXUALLY VIOLENT PREDATOR FACILITIES.

1. PRIOR TO OPENING ANY SEXUALLY VIOLENT PREDATOR FACILITY, THE OFFICE SHALL BE REQUIRED TO HOLD A MINIMUM OF TWO PUBLIC HEARINGS. THE PLACE, DATE AND TIME OF EACH MEETING SHALL BE CLEARLY AND CONSPICUOUSLY POSTED TO PROVIDE ADEQUATE NOTICE TO ALL LOCAL RESIDENTS. SUCH NOTICE SHALL BE POSTED AT LEAST THIRTY DAYS PRIOR TO SUCH MEETING. EACH MEETING SHALL HAVE AT LEAST A PORTION OF SUCH MEETING OPEN TO THE PUBLIC FOR GENERAL COMMENT. THE OFFICE SHALL NOT MAKE A DETERMINATION AS TO THE VIABILITY OF THE ESTABLISHMENT OF A SEXUALLY VIOLENT PREDATOR FACILITY UNTIL AFTER ALL PUBLIC MEETINGS HAVE BEEN HELD. THE OFFICE MUST STATE, IN WRITING, WITH PARTICULARITY, THE REASONS FOR AUTHORIZING THE ESTABLISHMENT OF A FACILITY. THE OFFICE MUST ALSO POST THE INFORMATION ON THE OFFICE'S WEBSITE.

2. NO FACILITY MAY BE ESTABLISHED WITHIN A ONE-MILE RADIUS OF ANY SCHOOL, DAY CARE, PUBLIC PARK, OR SIMILAR ESTABLISHMENT.

3. NO FACILITY MAY BE ESTABLISHED WITHIN THIRTY MILES OF AN EXISTING SEXUALLY VIOLENT PREDATOR FACILITY.

S 2. This act shall take effect immediately.

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

LBD02473-01-9