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

7759

2009-2010 Regular Sessions

I N A S S E M B L Y

April 23, 2009

Introduced by M. of A. ALESSI, THIELE, GUNTHER, REILLY -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, in relation to residency restrictions for sex offenders

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 renumbered section 168-x and a new section 168-w is added to read as follows:

S 168-W. RESIDENCY RESTRICTIONS. 1. NO DESIGNATED SEX OFFENDER SHALL RESIDE WITHIN ONE THOUSAND FEET OF THE BOUNDARIES OF ANY SCHOOL, PLAYGROUND OR PUBLIC LIBRARY.

2. FOR THE PURPOSES OF THIS SECTION:

(A) "BOUNDARIES OF ANY SCHOOL" MEANS IN, ON OR WITHIN ANY BUILDING, STRUCTURE, ATHLETIC PLAYING FIELD, PLAYGROUND OR LAND CONTAINED WITHIN THE REAL PROPERTY BOUNDARY LINE OF A CERTIFIED DAY CARE CENTER, PUBLIC OR PRIVATE ELEMENTARY, INTERMEDIATE, JUNIOR HIGH, VOCATIONAL OR HIGH SCHOOL, OR SIMILAR EDUCATIONAL INSTITUTION WHERE CHILDREN ARE IN DAILY ATTENDANCE.

(B) "DESIGNATED SEX OFFENDER" MEANS ANY SEX OFFENDER WHO WAS CONVICTED OF THE COMMISSION OF OR AN ATTEMPT TO COMMIT ANY VIOLATION OF SECTION 255.25, 255.26, OR 255.27 OR ARTICLE ONE HUNDRED THIRTY, TWO HUNDRED THIRTY-FIVE, OR TWO HUNDRED SIXTY-THREE OF THE PENAL LAW WHERE THE VICTIM OF SUCH OFFENSE WAS UNDER THE AGE OF EIGHTEEN YEARS.

3. ANY DESIGNATED SEX OFFENDER WHO VIOLATES SUBDIVISION ONE OF THIS SECTION SHALL BE GUILTY OF A CLASS C 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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