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

S. 2097 A. 5236

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

February 11, 2009

IN SENATE -- Introduced by Sens. LAVALLE, BONACIC, FLANAGAN, LITTLE -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

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

AN ACT to amend the correction law, in relation to restricting the residency of certain sex offenders

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

Section 1. The correction law is amended by adding a new section 168-ll to read as follows:

S 168-LL. GUIDELINES FOR LOCATION FOR SEX OFFENDERS. THE DIVISION, IN CONSULTATION AND COOPERATION WITH THE BOARD OF EXAMINERS OF SEX OFFENDERS, DIVISION OF PAROLE, DEPARTMENT OF MENTAL HYGIENE, AND LOCAL PROBATION DEPARTMENTS THROUGHOUT THE STATE SHALL DEVELOP GUIDELINES AND PROCEDURES ON THE PLACEMENT, LOCATION, RELOCATION, OR SETTLEMENT OF SEX OFFENDERS WITHIN THE COMMUNITY. SUCH GUIDELINES AND PROCEDURES SHALL BE BASED UPON, BUT NOT LIMITED TO, THE FOLLOWING:

1. THAT MUNICIPALITIES BE ALLOWED TO REJECT THE PLACEMENT OF ADDITIONAL SEX OFFENDERS IN SUCH MUNICIPALITY. FACTORS TO BE CONSIDERED IN DETERMINING WHETHER A MUNICIPALITY SHALL ACCEPT ANY MORE SUCH INDIVIDUALS SHALL INCLUDE:

(A) THAT SUCH INDIVIDUALS ARE NOT CURRENTLY OVERLY CONCENTRATED IN RESIDENTIAL AREAS OF ONE MUNICIPALITY OR PORTION OF A MUNICIPALITY;

(B) ALL EFFORTS ARE BEING MADE TO LOCATE SUCH INDIVIDUALS IN AREAS THAT HAVE ADEQUATE SUPPORT SERVICES TO MINIMIZE THE RISK OF RE-OFFENSE;

(C) THAT FAMILY AND FRIENDS ARE LOCATED REASONABLY CLOSE TO SUCH INDIVIDUALS TO PROVIDE FINANCIAL, PSYCHOLOGICAL, SOCIAL, AND MORAL SUPPORT TO SUCH INDIVIDUALS IN ORDER TO MINIMIZE THE RISK OF RE-OFFENSE; AND

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

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(D) MEASURES ARE TAKEN TO ENSURE THAT SUCH INDIVIDUALS ARE PLACED IN COMMUNITIES THAT CAN PHYSICALLY ACCOMMODATE SUCH INDIVIDUALS AND THAT SUCH INDIVIDUALS ARE NOT LOCATED NEAR RE-OFFENSE RISK CENTERS, INCLUDING, BUT NOT LIMITED TO, SCHOOLS, DAY CARE CENTERS, PLAYGROUNDS, OR ANY OTHER FACILITY OR AREA THAT ATTRACTS CHILDREN OR IN WHICH CHILDREN CONGREGATE;

2. THAT MUNICIPALITIES SHALL BE PERMITTED TO ALLOW OR REJECT A SECURE COMMUNITY RESIDENCE FOR SEX OFFENDERS WITHIN SUCH MUNICIPALITY; AND

3. THAT MUNICIPALITIES SHALL BE ALLOWED TO RESTRICT THE NUMBER OF SEX OFFENDERS AT A RESIDENCE, UNLESS SUCH PERSONS ARE LEGALLY RELATED BY BLOOD, MARRIAGE OR ADOPTION, IN THE FOLLOWING MANNER:

(A) IN A MULTIFAMILY DWELLING, MAY RESTRICT THE NUMBER OF SEX OFFENDERS TO LESS THAN TEN PERCENT OF THE NUMBER OF DWELLING UNITS THAT ARE CONTAINED IN THE MULTIFAMILY DWELLING AND MAY RESTRICT THE NUMBER OF SEX OFFENDERS IN A MULTIFAMILY DWELLING UNIT TO ONE; AND

(B) IN ANY SINGLE FAMILY DWELLING, MAY RESTRICT THE NUMBER OF SEX OFFENDERS RESIDING THEREIN TO ONE;

(C) FOR THE PURPOSES OF THIS SECTION:

(1) "MULTIFAMILY DWELLING" MEANS A BUILDING OR BUILDINGS THAT ARE LOCATED IN AN AREA ZONED RESIDENTIAL, THAT ARE ATTACHED TO EACH OTHER, THAT CONTAIN TWO OR MORE DWELLING UNITS, INCLUDING TRIPLEXES, FOURPLEXES AND APARTMENTS, AND THAT HAVE AS THEIR PRIMARY ACCESS A COMMON HALLWAY OR CORRIDOR.

(2) "MULTIFAMILY DWELLING UNIT" MEANS ONE OR MORE ROOMS WITHIN A BUILDING THAT ARE ARRANGED, DESIGNED OR USED FOR RESIDENTIAL PURPOSES AND THAT CONTAIN INDEPENDENT SANITARY AND COOKING FACILITIES.

S 2. This act shall take effect immediately.