

6672

I N S E N A T E

January 25, 2010

Introduced by Sen. MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law and the executive law, in relation to prohibiting certain sex offenders from entering in or upon school grounds without a legitimate purpose

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

1 Section 1. Paragraph (a) of subdivision 4-a of section 65.10 of the
2 penal law, as amended by chapter 67 of the laws of 2008, is amended to
3 read as follows:
4 (a) When imposing a sentence of probation or conditional discharge
5 upon a person convicted of an offense defined in article one hundred
6 thirty, two hundred thirty-five or two hundred sixty-three of this chap-
7 ter, or section 255.25, 255.26 or 255.27 of this chapter, and the victim
8 of such offense was under the age of eighteen at the time of such
9 offense or such person has been designated a level TWO OR three sex
10 offender pursuant to subdivision six of section [168-1] ONE HUNDRED
11 SIXTY-EIGHT-L of the correction law, the court shall require, as a
12 mandatory condition of such sentence, that such sentenced offender shall
13 refrain, FOR THE REMAINDER OF HIS OR HER NATURAL LIFE, from knowingly
14 entering into or upon any school grounds, as that term is defined in
15 subdivision fourteen of section 220.00 of this chapter, or any other
16 facility or institution primarily used for the care or treatment of
17 persons under the age of eighteen while one or more of such persons
18 under the age of eighteen are present WITHOUT A LEGITIMATE PURPOSE AS
19 DETERMINED BY THE OFFICE OF SEX OFFENDER MANAGEMENT, provided however,
20 that when such sentenced offender is a registered student or participant
21 or an employee of such facility or institution or entity contracting
22 therewith or has a family member enrolled in such facility or institu-
23 tion, such sentenced offender may, with the written authorization of his
24 or her probation officer or the court and the superintendent or chief
25 administrator of such facility, institution or grounds, enter such
26 facility, institution or upon such grounds for the limited purposes
27 authorized by the probation officer or the court and superintendent or

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

LBD15263-01-0

1 chief officer. Nothing in this subdivision shall be construed as
2 restricting any lawful condition of supervision that may be imposed on
3 such sentenced offender.

4 S 2. Subdivision 14 of section 259-c of the executive law, as amended
5 by chapter 320 of the laws of 2006, is amended to read as follows:

6 14. notwithstanding any other provision of law to the contrary, where
7 a person serving a sentence for an offense defined in article one
8 hundred thirty, one hundred thirty-five or two hundred sixty-three of
9 the penal law or section 255.25, 255.26 or 255.27 of the penal law and
10 the victim of such offense was under the age of eighteen at the time of
11 such offense or such person has been designated a level TWO OR three sex
12 offender pursuant to subdivision six of section one hundred
13 sixty-eight-1 of the correction law, is released on parole or condi-
14 tionally released pursuant to subdivision one or two of this section,
15 the board shall require, as a mandatory condition of such release, that
16 such sentenced offender shall refrain, FOR THE REMAINDER OF HIS OR HER
17 NATURAL LIFE, from knowingly entering into or upon any school grounds,
18 as that term is defined in subdivision fourteen of section 220.00 of the
19 penal law, or any other facility or institution primarily used for the
20 care or treatment of persons under the age of eighteen while one or more
21 of such persons under the age of eighteen are present WITHOUT A LEGITI-
22 MATE PURPOSE AS DETERMINED BY THE OFFICE OF SEX OFFENDER MANAGEMENT,
23 provided however, that when such sentenced offender is a registered
24 student or participant or an employee of such facility or institution or
25 entity contracting therewith or has a family member enrolled in such
26 facility or institution, such sentenced offender may, with the written
27 authorization of his or her parole officer and the superintendent or
28 chief administrator of such facility, institution or grounds, enter such
29 facility, institution or upon such grounds for the limited purposes
30 authorized by the parole officer and superintendent or chief officer.
31 Nothing in this subdivision shall be construed as restricting any lawful
32 condition of supervision that may be imposed on such sentenced offender.

33 S 3. This act shall take effect on the sixtieth day after it shall
34 have become a law.