

3671

2009-2010 Regular Sessions

I N A S S E M B L Y

January 28, 2009

Introduced by M. of A. KOON, BRADLEY, CARROZZA, CYMBROWITZ, ORTIZ,
SCHROEDER, MORELLE -- Multi-Sponsored by -- M. of A. ALFANO, BARRA,
GALEF, GUNTHER, HOOPER, LUPARDO, MAYERSOHN, PHEFFER, RAMOS, ROBINSON,
SCHIMMINGER, TOWNS, WEISENBERG, WRIGHT -- read once and referred to
the Committee on Correction

AN ACT to amend the correction law, in relation to restricting where
level three sex offenders may reside

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

1 Section 1. Section 168-w of the correction law, as relettered by chap-
2 ter 604 of the laws of 2005, is relettered section 168-x and a new
3 section 168-w is added to read as follows:
4 S 168-W. LEVEL THREE SEX OFFENDERS RESIDENCE LIMITATION; PENALTY. 1.
5 IT SHALL BE UNLAWFUL FOR ANY LEVEL THREE SEX OFFENDER TO RESIDE WITHIN
6 ONE QUARTER MILE OF ANY PUBLIC OR PRIVATE ELEMENTARY, MIDDLE, HIGH, OR
7 NURSERY SCHOOL; OR LICENSED DAY CARE FACILITY.
8 2. NO SHELTER OR HOUSING ACCOMMODATION SHALL PERMIT OR CAUSE THE
9 PLACEMENT OF ANY LEVEL THREE SEX OFFENDER IF SUCH SHELTER OR HOUSING
10 ACCOMMODATION IS WITHIN ONE QUARTER MILE OF ANY PUBLIC OR PRIVATE
11 ELEMENTARY, MIDDLE, HIGH, OR NURSERY SCHOOL; OR LICENSED DAY CARE FACIL-
12 ITY.
13 3. THE RESIDENCE PROHIBITION ESTABLISHED BY SUBDIVISIONS ONE AND TWO
14 OF THIS SECTION SHALL REMAIN IN EFFECT FOR AS LONG AS THE OFFENDER IS
15 CLASSIFIED AS A LEVEL THREE SEX OFFENDER.
16 4. A SEX OFFENDER WHO VIOLATES THE PROVISIONS OF SUBDIVISION ONE OF
17 THIS SECTION SHALL BE GUILTY OF A CLASS E FELONY.
18 S 2. This act shall take effect on the first of November next succeed-
19 ing 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.

LBD01625-01-9