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

5402

2009-2010 Regular Sessions

I N A S S E M B L Y

February 13, 2009

Introduced by M. of A. SPANO, BENEDETTO, GABRYSZAK, GUNTHER, LANCMAN, MAISEL, WEISENBERG, FIELDS, GREENE -- Multi-Sponsored by -- M. of A. ABBATE, BOYLAND, GALEF, PHEFFER -- read once and referred to the Committee on Corporations, Authorities and Commissions

AN ACT to amend the correction law, in relation to prohibiting certain sex offenders from residing near the boundaries of any school

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

S 168-W. RESIDENCE NEAR SCHOOL BOUNDARY; PROHIBITION. 1. NO DESIGNATED SEX OFFENDER SHALL RESIDE WITHIN ONE THOUSAND FEET OF THE BOUNDARIES OF ANY SCHOOL THAT WORKS WITH, INSTRUCTS OR TREATS CHILDREN UNDER THE AGE OF EIGHTEEN YEARS; PROVIDED, HOWEVER, THAT IN A CITY HAVING A POPULATION OF ONE MILLION OR MORE, NO DESIGNATED SEX OFFENDER SHALL RESIDE WITHIN FIVE HUNDRED FEET OF THE BOUNDARIES OF ANY SCHOOL THAT WORKS WITH, INSTRUCTS OR TREATS CHILDREN UNDER THE AGE OF EIGHTEEN YEARS.

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:

(I) CONVICTED OF THE COMMISSION OF OR AN ATTEMPT TO COMMIT ANY VIOLATION OF SECTION 130.20, 130.25, 130.30, 130.35, 130.40, 130.45, 130.50, 130.55, 130.60, 130.65, 130.66, 130.67, 130.70, 130.75, 130.80 OR 255.25 OR ARTICLE TWO HUNDRED SIXTY-THREE OF THE PENAL LAW; OR

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

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(II) CONVICTED OF ANY SEX OFFENSE OR SEXUALLY VIOLENT OFFENSE, WHERE THE VICTIM OF SUCH OFFENSE WAS UNDER THE AGE OF EIGHTEEN YEARS.

3. ANY DESIGNATED SEX OFFENDER WHO VIOLATES ANY PROVISION OF 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.