

7948

2009-2010 Regular Sessions

I N A S S E M B L Y

April 28, 2009

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

AN ACT to amend the correction law, the executive law and the penal law,
in relation to certain residency requirements for sex offenders

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

1 Section 1. Section 168-b of the correction law is amended by adding a
2 new subdivision 12 to read as follows:
3 12. THE DIVISION, WHEN ACKNOWLEDGING INITIAL REGISTRATION AND THERE-
4 AFTER IN ANNUAL CORRESPONDENCE, SHALL ADVISE EACH SEX OFFENDER TO WHOM
5 THE RESIDENCY RESTRICTION IN SECTION ONE HUNDRED SIXTY-EIGHT-W OF THIS
6 ARTICLE APPLIES, CONCERNING THE TERMS AND SPECIFIC DURATION OF SUCH
7 RESTRICTION.
8 S 2. Section 168-t of the correction law, as amended by chapter 373 of
9 the laws of 2007, is amended to read as follows:
10 S 168-t. Penalty. Any sex offender required to register or to verify
11 pursuant to the provisions of this article who fails to register or
12 verify in the manner and within the time periods provided for in this
13 article shall be guilty of a class E felony upon conviction for the
14 first offense, and upon conviction for a second or subsequent offense
15 shall be guilty of a class D felony. Any sex offender who violates the
16 provisions of section one hundred sixty-eight-v OR SUBDIVISION ONE OF
17 SECTION ONE HUNDRED SIXTY-EIGHT-W of this article shall be guilty of a
18 class A misdemeanor upon conviction for the first offense, and upon
19 conviction for a second or subsequent offense shall be guilty of a class
20 D felony. Any such failure to register or verify may also be the basis
21 for revocation of parole pursuant to section two hundred fifty-nine-i of
22 the executive law or the basis for revocation of probation pursuant to
23 article four hundred ten of the criminal procedure law.

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

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1 S 3. Section 168-w of the correction law, as relettered by chapter 604
2 of the laws of 2005, is relettered section 168-x and a new section 168-w
3 is added to read as follows:

4 S 168-W. RESIDENCY REQUIREMENTS FOR SEX OFFENDERS. 1. NO SEX OFFENDER
5 SHALL RESIDE IN A RESIDENCE THAT IS WITHIN ONE THOUSAND FEET OF ANY
6 SCHOOL BUILDING REGULARLY USED FOR INSTRUCTIONAL PURPOSES, A BUILDING IN
7 WHICH CHILD DAY CARE IS PROVIDED OR A PARK. THE PROVISIONS OF THIS
8 SUBDIVISION SHALL APPLY FOR THE GREATER OF TEN YEARS OR THE PERIOD OR
9 TERM OF PROBATION, PAROLE, CONDITIONAL RELEASE OR POST-RELEASE SUPER-
10 VISION APPLICABLE TO SUCH OFFENSE.

11 2. FOR PURPOSES OF THIS SECTION, "SCHOOL" SHALL MEAN A PUBLIC OR
12 PRIVATE ELEMENTARY, PAROCHIAL, INTERMEDIATE, JUNIOR HIGH, VOCATIONAL OR
13 HIGH SCHOOL.

14 3. NOTHING IN THIS SECTION SHALL BE CONSTRUED AS RESTRICTING ANY
15 LAWFUL CONDITION THAT MAY BE IMPOSED ON A SENTENCED SEX OFFENDER.

16 S 4. Section 259-c of the executive law is amended by adding a new
17 subdivision 18 to read as follows:

18 18. WHEN THE PROVISIONS OF SECTION ONE HUNDRED SIXTY-EIGHT-W OF THE
19 CORRECTION LAW CONCERNING CERTAIN RESTRICTIONS ON RESIDENCE APPLY,
20 DIRECT THE DIVISION TO NOTIFY THE RELEASEE OF THE RESTRICTION IN WRITING
21 AND DIRECT THE SUPERVISING PAROLE OFFICER TO NOTIFY THE RELEASEE OF SUCH
22 RESTRICTION ORALLY AND IN WRITING.

23 S 5. Section 65.10 of the penal law is amended by adding a new subdi-
24 vision 6 to read as follows:

25 6. NOTICE OF RESIDENCY REQUIREMENTS FOR SEX OFFENDERS. WHEN THE
26 PROVISIONS OF SECTION ONE HUNDRED SIXTY-EIGHT-W OF THE CORRECTION LAW
27 CONCERNING CERTAIN RESTRICTIONS ON RESIDENCE APPLY, THE COURT SHALL
28 NOTIFY THE DEFENDANT OF THE RESTRICTION IN WRITING AND THE SUPERVISING
29 PROBATION OFFICER SHALL NOTIFY THE OFFENDER OF THE RESTRICTION ORALLY
30 AND IN WRITING.

31 S 6. This act shall take effect on the sixtieth day after it shall
32 have become a law and shall apply to sex offenders convicted or released
33 on or after such date.