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

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I N S E N A T E

February 16, 2010

Introduced by Sens. PADAVAN, SKELOS -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, in relation to prohibiting registered sex offenders from working with children

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. SEX OFFENDERS PROHIBITED FROM WORKING WITH CHILDREN. 1. NO PERSON REQUIRED TO MAINTAIN REGISTRATION UNDER THIS ARTICLE SHALL BE ALLOWED TO ACCEPT A POSITION, EITHER AS PAID EMPLOYMENT OR A VOLUNTEER POSITION, WHICH BY THE INHERENT NATURE OF THE POSITION PLACES THE PERSON IN SUBSTANTIAL CONTACT WITH CHILDREN. THIS SECTION SHALL ALSO APPLY TO ANY PERSON SEEKING A PERMIT OR PERMISSION TO EXECUTE ANY ACTIVITY OR PERFORMANCE THAT WOULD PRESENT A DIRECT CONTACT WITH CHILDREN.

2. EXAMPLES OF SUCH POSITIONS INCLUDE, BUT ARE NOT LIMITED TO:

A. ANY POSITION IN A SCHOOL INCLUDING TEACHERS, TEACHER-AIDES, ADMINISTRATORS, ASSISTANTS, CAFETERIA WORKERS, JANITORS, NURSES OR ANY OTHER PERSON WORKING IN A SCHOOL THAT WOULD HAVE CONTACT WITH THE CHILDREN ATTENDING A SCHOOL;

B. ANY POSITION IN A CHILD-CARE FACILITY;

C. ANY RECREATIONAL POSITION SUCH AS A COACH, BOY OR GIRL SCOUT LEADER, CAMP COUNSELOR, LIFEGUARD, INSTRUCTOR OR ANY OTHER RECREATIONAL POSITION IN A PARK, PLAYGROUND, AMUSEMENT PARK, POOL OR ANY OTHER FACILITY THAT WOULD ALLOW A SUBSTANTIAL CONTACT WITH CHILDREN; OR

D. ANY STORE OR RESTAURANT THAT IS SPECIFICALLY TARGETED TOWARDS CHILDREN SUCH AS A TOY STORE OR CHILDREN'S THEME RESTAURANT.

3. EMPLOYERS, ORGANIZATIONS AND GOVERNMENT ENTITIES SHALL BE PROVIDED ACCESS TO THE STATEWIDE CENTRAL REGISTRY OF CHILD ABUSE AND MALTREATMENT FOR THE PURPOSE OF PERFORMING A BACKGROUND CHECK FOR ANY CONVICTIONS OF SEXUAL ABUSE OF A CHILD. EVERY EMPLOYER, ORGANIZATION AND GOVERNMENT ENTITY SHALL CHECK ANY POTENTIAL EMPLOYEES OR VOLUNTEERS SEEKING TO

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

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ASSUME A POSITION THAT WILL ALLOW SUBSTANTIAL CONTACT WITH CHILDREN AGAINST BOTH THE STATEWIDE CENTRAL REGISTRY OF CHILD ABUSE AND MALTREATMENT AND THE REGISTERED SEX OFFENDERS DATABASE TO ASCERTAIN IF SAID PERSON HAS A CONVICTION FOR SEXUAL ABUSE OF A CHILD.

4. "SUBSTANTIAL CONTACT WITH CHILDREN" AS USED IN THIS SECTION SHALL MEAN WORKING WITH CHILDREN, HAVING OPPORTUNITY TO BE ALONE WITH CHILDREN, SPENDING TIME SPECIFICALLY WITH CHILDREN, PERFORMING FOR CHILDREN OR ANY OTHER ACTIVITY THAT IS TARGETED TO INVOLVE CHILDREN.

5. A. ANY REGISTERED SEX OFFENDER WHO SEEKS OR ACCEPTS A POSITION IN VIOLATION OF THIS SECTION SHALL BE GUILTY OF A CLASS A MISDEMEANOR UPON THE FIRST CONVICTION THEREOF, AND UPON A SECOND OR SUBSEQUENT CONVICTION THEREOF SHALL BE GUILTY OF A CLASS D FELONY.

B. ANY EMPLOYER OR ORGANIZATION THAT KNOWINGLY EMPLOYS A SEX OFFENDER IN VIOLATION OF THIS SECTION SHALL, UPON CONVICTION, BE GUILTY OF A CLASS A MISDEMEANOR.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.