

10815

I N A S S E M B L Y

October 25, 2012

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Weprin) --
read once and referred to the Committee on Correction

AN ACT to amend the correction law and the penal law, in relation to prohibiting persons required to maintain registration under the sex offender registration act from entering into a children's section of a public library

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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. PROHIBITION FROM ENTERING A CHILDREN'S SECTION OF A PUBLIC,
5 ASSOCIATION OR FREE LIBRARY. ANY PERSON REQUIRED TO MAINTAIN REGISTRA-
6 TION UNDER THIS ARTICLE (SEX OFFENDER REGISTRATION ACT) SHALL REFRAIN
7 FROM ENTERING INTO OR UPON ANY AREA OR ROOM IN A PUBLIC, ASSOCIATION OR
8 FREE LIBRARY DESIGNATED AS A CHILDREN'S SECTION OR DESIGNED PRIMARILY TO
9 SERVE A POPULATION UNDER THE AGE OF EIGHTEEN.
10 S 2. Paragraph (a) of subdivision 4-a of section 65.10 of the penal
11 law, as amended by chapter 67 of the laws of 2008, is amended to read as
12 follows:
13 (a) When imposing a sentence of probation or conditional discharge
14 upon a person convicted of an offense defined in article one hundred
15 thirty, two hundred thirty-five or two hundred sixty-three of this chap-
16 ter, or section 255.25, 255.26 or 255.27 of this chapter, and the victim
17 of such offense was under the age of eighteen at the time of such
18 offense or such person has been designated a level three sex offender
19 pursuant to subdivision six of section 168-l of the correction law, the
20 court shall require, as a mandatory condition of such sentence, that
21 such sentenced offender shall refrain from knowingly entering into or
22 upon any school grounds, as that term is defined in subdivision fourteen
23 of section 220.00 of this chapter, OR ANY AREA OR ROOM OF A PUBLIC,
24 ASSOCIATION OR FREE LIBRARY DESIGNATED AS A CHILDREN'S SECTION OR
25 DESIGNED PRIMARILY TO SERVE A POPULATION UNDER THE AGE OF EIGHTEEN, or
26 any other facility or institution primarily used for the care or treat-

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

LBD16401-02-2

1 ment of persons under the age of eighteen while one or more of such
2 persons under the age of eighteen are present, provided however, that
3 when such sentenced offender is a registered student or participant or
4 an employee of such facility or institution or entity contracting there-
5 with or has a family member enrolled in such facility or institution,
6 such sentenced offender may, with the written authorization of his or
7 her probation officer or the court and the superintendent or chief
8 administrator of such facility, institution or grounds, enter such
9 facility, institution or upon such grounds for the limited purposes
10 authorized by the probation officer or the court and superintendent or
11 chief officer. Nothing in this subdivision shall be construed as
12 restricting any lawful condition of supervision that may be imposed on
13 such sentenced offender.

14 S 3. This act shall take effect immediately.