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

1248

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. HAWLEY, KOLB, GIGLIO, BURLING, CROUCH, McDONOUGH, TOBACCO, FINCH -- Multi-Sponsored by -- M. of A. BARCLAY, CALHOUN, DUPREY, McKEVITT, SPANO, WEISENBERG -- read once and referred to the Committee on Correction

AN ACT to amend the correction law and the general business law, in relation to preventing registered level two or three sex offenders from working at amusement parks

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

Section 1. The legislature hereby finds and declares it necessary to protect children by prohibiting registered sex offenders from becoming or remaining employed at an amusement park, which by nature, presents direct contact with children in the regular course of such employment.

S 2. 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. PROHIBITING REGISTERED LEVEL TWO OR THREE SEX OFFENDERS FROM WORKING AT AMUSEMENT PARKS. 1. NO REGISTERED LEVEL TWO OR THREE SEX OFFENDER SHALL APPLY FOR, ACCEPT OR REMAIN IN ANY POSITION OF EMPLOYMENT AT ANY AMUSEMENT PARK. FOR PURPOSES OF THIS SECTION, "POSITION" SHALL INCLUDE ANY JOB OR TASK PERFORMED OR TO BE PERFORMED ON AMUSEMENT PARK GROUNDS. THIS SECTION SHALL FURTHER APPLY TO ANY PERSON SEEKING A PERMIT OR PERMISSION TO ENGAGE IN ANY ACTIVITY OR PERFORMANCE ON AMUSEMENT PARK GROUNDS WHICH WOULD INVOLVE DIRECT CONTACT WITH CHILDREN.

2. ANY PERSON FOUND TO BE IN VIOLATION OF THIS SECTION SHALL BE GUILTY OF A CLASS A MISDEMEANOR UPON A FIRST CONVICTION THEREOF, AND UPON A SECOND OR SUBSEQUENT CONVICTION THEREOF SHALL BE GUILTY OF A CLASS D FELONY.

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

LBD03332-01-1

3. ANY EMPLOYER THAT KNOWINGLY EMPLOYS A REGISTERED LEVEL TWO OR THREE SEX OFFENDER IN VIOLATION OF THIS SECTION SHALL BE FOUND GUILTY OF A CLASS A MISDEMEANOR.

4. PERSONS, FIRMS, CORPORATIONS OR OTHER ENTITIES OWNING OR OPERATING AN AMUSEMENT PARK SHALL HAVE ACCESS TO THE STATEWIDE CENTRAL REGISTRY OF CHILD ABUSE AND MALTREATMENT AND THE STATEWIDE SEX OFFENDER DATABASE FOR THE PURPOSE OF OBTAINING A BACKGROUND CHECK OF ALL EMPLOYEES FOR CONVICTIONS FOR SEXUAL ABUSE OF A CHILD.

S 3. The general business law is amended by adding a new section 390-d to read as follows:

S 390-D. PROHIBITING REGISTERED LEVEL TWO OR THREE SEX OFFENDERS FROM WORKING AT AMUSEMENT PARKS. 1. NO PERSON, FIRM, CORPORATION, OR OTHER ENTITY WHICH OWNS OR OPERATES AN AMUSEMENT PARK SHALL EMPLOY OR PERMIT FURTHER EMPLOYMENT OF ANY REGISTERED LEVEL TWO OR THREE SEX OFFENDER AT SUCH AMUSEMENT PARK.

2. ANY PERSON, FIRM, CORPORATION, OR OTHER ENTITY WHICH OWNS OR OPERATES AN AMUSEMENT PARK SHALL CHECK ANY POTENTIAL EMPLOYEE AGAINST BOTH THE STATEWIDE CENTRAL REGISTRY OF CHILD ABUSE AND MALTREATMENT AND THE STATE REGISTERED SEX OFFENDER DATABASE TO DETERMINE IF SAID PERSON HAS BEEN CONVICTED OF SEXUAL ABUSE OF A CHILD. ANY PERSON APPLYING FOR EMPLOYMENT AT SUCH AMUSEMENT PARK AND FOUND TO BE LISTED ON EITHER THE STATEWIDE CENTRAL REGISTRY OF CHILD ABUSE AND MALTREATMENT OR THE STATE REGISTERED SEX OFFENDER DATABASE SHALL BE IMMEDIATELY REPORTED TO THE LOCAL LAW ENFORCEMENT AGENCY.

3. ANY PERSON, FIRM, CORPORATION, OR OTHER ENTITY WHICH OWNS OR OPERATES AN AMUSEMENT PARK AND KNOWINGLY EMPLOYS A REGISTERED LEVEL TWO OR THREE SEX OFFENDER OR FAILS TO REPORT THE APPLICATION FOR EMPLOYMENT BY SUCH A PERSON ON THE REGISTRY OF CHILD ABUSE AND MALTREATMENT OR SEX OFFENDER DATABASE SHALL BE FOUND IN VIOLATION OF THIS SECTION AND SHALL BE CHARGEABLE WITH A FINE OF NO LESS THAN ONE THOUSAND DOLLARS AND NO MORE THAN FIVE THOUSAND DOLLARS UPON A FIRST CONVICTION, AND UPON A SECOND OR SUBSEQUENT CONVICTION A FINE OF NO LESS THAN TEN THOUSAND DOLLARS AND NO MORE THAN TWENTY-FIVE THOUSAND DOLLARS.

S 4. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.