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

5690

2013-2014 Regular Sessions

I N A S S E M B L Y

March 5, 2013

Introduced by M. of A. SIMOTAS -- 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:

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. PROHIBITION FROM ENTERING A CHILDREN'S SECTION OF A PUBLIC LIBRARY. ANY PERSON REQUIRED TO MAINTAIN REGISTRATION UNDER THIS ARTICLE (SEX OFFENDER REGISTRATION ACT) SHALL REFRAIN FROM ENTERING INTO OR UPON ANY AREA OR ROOM IN A PUBLIC LIBRARY DESIGNATED AS A CHILDREN'S SECTION.

S 2. Paragraph (a) of subdivision 4-a of section 65.10 of the penal law, as amended by chapter 67 of the laws of 2008, is amended to read as follows:

(a) When imposing a sentence of probation or conditional discharge upon a person convicted of an offense defined in article one hundred thirty, two hundred thirty-five or two hundred sixty-three of this chapter, or section 255.25, 255.26 or 255.27 of this chapter, and the victim of such offense was under the age of eighteen at the time of such offense or such person has been designated a level three sex offender pursuant to subdivision six of section 168-l of the correction law, the court shall require, as a mandatory condition of such sentence, that such sentenced offender shall refrain from knowingly entering into or upon any school grounds, as that term is defined in subdivision fourteen of section 220.00 of this chapter, *OR ANY AREA OR ROOM OF A PUBLIC LIBRARY DESIGNATED AS A CHILDREN'S SECTION*, or any other facility or institution primarily used for the care or treatment of persons under

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

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

S 3. This act shall take effect immediately.