

1020

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. ROBACH -- 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, the penal law and the executive law, in relation to prohibiting level three sex offenders from living in college housing

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

1 Section 1. Paragraph (b-1) of subdivision 2 of section 168-f of the  
2 correction law, as amended by chapter 532 of the laws of 2011, is  
3 amended to read as follows:

4 (b-1) If the sex offender has been given a level two or three desig-  
5 nation, such offender shall sign the verification form, and state that  
6 he or she still is employed at the address last reported to the divi-  
7 sion. IF A SEX OFFENDER HAS BEEN GIVEN A LEVEL THREE DESIGNATION, SUCH  
8 OFFENDER SHALL NOT RESIDE IN STUDENT HOUSING OF ANY INSTITUTION OF HIGH-  
9 ER EDUCATION.

10 S 2. Section 168-t of the correction law, as amended by chapter 373 of  
11 the laws of 2007, is amended to read as follows:

12 S 168-t. Penalty. Any sex offender required to register or to verify  
13 pursuant to the provisions of this article who fails to register or  
14 verify in the manner and within the time periods provided for in this  
15 article shall be guilty of a class E felony upon conviction for the  
16 first offense, and upon conviction for a second or subsequent offense  
17 shall be guilty of a class D felony. Any sex offender who violates the  
18 provisions of section one hundred sixty-eight-v of this article OR THE  
19 PROVISIONS OF PARAGRAPH (B-1) OF SUBDIVISION TWO OF SECTION ONE HUNDRED  
20 SIXTY-EIGHT-F OF THIS ARTICLE CONCERNING THE PROHIBITION ON RESIDING IN  
21 STUDENT HOUSING OF ANY INSTITUTION OF HIGHER EDUCATION shall be guilty  
22 of a class A misdemeanor upon conviction for the first offense, and upon

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

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1 conviction for a second or subsequent offense shall be guilty of a class  
2 D felony. Any such failure to register or verify may also be the basis  
3 for revocation of parole pursuant to section two hundred fifty-nine-i of  
4 the executive law or the basis for revocation of probation pursuant to  
5 article four hundred ten of the criminal procedure law.

6 S 3. Paragraph (a) of subdivision 4-a of section 65.10 of the penal  
7 law, as amended by chapter 67 of the laws of 2008, is amended to read as  
8 follows:

9 (a) When imposing a sentence of probation or conditional discharge  
10 upon a person convicted of an offense defined in article one hundred  
11 thirty, two hundred thirty-five or two hundred sixty-three of this chap-  
12 ter, or section 255.25, 255.26 or 255.27 of this chapter, and the victim  
13 of such offense was under the age of eighteen at the time of such  
14 offense or such person has been designated a level three sex offender  
15 pursuant to subdivision six of section [168-1] ONE HUNDRED SIXTY-EIGHT-L  
16 of the correction law, the court shall require, as a mandatory condition  
17 of such sentence, that such sentenced offender shall refrain from know-  
18 ingly entering into or upon any school grounds, as that term is defined  
19 in subdivision fourteen of section 220.00 of this chapter, or any other  
20 facility or institution primarily used for the care or treatment of  
21 persons under the age of eighteen while one or more of such persons  
22 under the age of eighteen are present, provided however, that when such  
23 sentenced offender is a registered student or participant or an employee  
24 of such facility or institution or entity contracting therewith or has a  
25 family member enrolled in such facility or institution, such sentenced  
26 offender may, with the written authorization of his or her probation  
27 officer or the court and the superintendent or chief administrator of  
28 such facility, institution or grounds, enter such facility, institution  
29 or upon such grounds for the limited purposes authorized by the  
30 probation officer or the court and superintendent or chief officer. IF A  
31 SEX OFFENDER HAS BEEN GIVEN A LEVEL THREE DESIGNATION, SUCH OFFENDER  
32 SHALL NOT RESIDE IN STUDENT HOUSING OF ANY INSTITUTION OF HIGHER EDUCA-  
33 TION. Nothing in this subdivision shall be construed as restricting any  
34 lawful condition of supervision that may be imposed on such sentenced  
35 offender.

36 S 4. Subdivision 14 of section 259-c of the executive law, as amended  
37 by section 38-b of subpart A of part C of chapter 62 of the laws of  
38 2011, is amended to read as follows:

39 14. notwithstanding any other provision of law to the contrary, where  
40 a person serving a sentence for an offense defined in article one  
41 hundred thirty, one hundred thirty-five or two hundred sixty-three of  
42 the penal law or section 255.25, 255.26 or 255.27 of the penal law and  
43 the victim of such offense was under the age of eighteen at the time of  
44 such offense or such person has been designated a level three sex offen-  
45 der pursuant to subdivision six of section one hundred sixty-eight-1 of  
46 the correction law, is released on parole or conditionally released  
47 pursuant to subdivision one or two of this section, the board shall  
48 require, as a mandatory condition of such release, that such sentenced  
49 offender shall refrain from knowingly entering into or upon any school  
50 grounds, as that term is defined in subdivision fourteen of section  
51 220.00 of the penal law, or any other facility or institution primarily  
52 used for the care or treatment of persons under the age of eighteen  
53 while one or more of such persons under the age of eighteen are present,  
54 provided however, that when such sentenced offender is a registered  
55 student or participant or an employee of such facility or institution or  
56 entity contracting therewith or has a family member enrolled in such

1 facility or institution, such sentenced offender may, with the written  
2 authorization of his or her parole officer and the superintendent or  
3 chief administrator of such facility, institution or grounds, enter such  
4 facility, institution or upon such grounds for the limited purposes  
5 authorized by the parole officer and superintendent or chief officer. IF  
6 A SEX OFFENDER HAS BEEN GIVEN A LEVEL THREE DESIGNATION, SUCH OFFENDER  
7 SHALL NOT RESIDE IN STUDENT HOUSING OF ANY INSTITUTION OF HIGHER EDUCA-  
8 TION. Nothing in this subdivision shall be construed as restricting any  
9 lawful condition of supervision that may be imposed on such sentenced  
10 offender.

11 S 5. This act shall take effect immediately.