

3457

2013-2014 Regular Sessions

I N S E N A T E

February 1, 2013

Introduced by Sen. MAZIARZ -- 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 certain sex offenders in the county of Niagara

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. PRESENCE NEAR SCHOOL GROUNDS AND CHILD CARE FACILITIES; LIM-
5 TATIONS. 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COUNTY OF
6 NIAGARA MAY ENACT A LOCAL LAW OR ORDINANCE TO PROHIBIT A DESIGNATED SEX
7 OFFENDER, FOR THE REMAINDER OF HIS OR HER NATURAL LIFE, FROM KNOWINGLY
8 ENTERING INTO, UPON OR WITHIN FIFTEEN HUNDRED FEET OF ANY SCHOOL GROUNDS
9 OR CHILD CARE FACILITY WHILE ONE OR MORE PERSONS UNDER THE AGE OF EIGH-
10 TEEN ARE PRESENT.
11 2. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE
12 THE FOLLOWING MEANINGS:
13 (A) "DESIGNATED SEX OFFENDER" SHALL MEAN A PERSON THAT HAS BEEN:
14 (I) DESIGNATED A LEVEL TWO OR LEVEL THREE SEX OFFENDER PURSUANT TO
15 SUBDIVISION SIX OF SECTION ONE HUNDRED SIXTY-EIGHT-1 OF THIS ARTICLE, OR
16 (II) CONVICTED OF AN OFFENSE DEFINED IN ARTICLE ONE HUNDRED THIRTY,
17 TWO HUNDRED THIRTY-FIVE OR TWO HUNDRED SIXTY-THREE OF THE PENAL LAW, OR
18 (III) CONVICTED OF AN OFFENSE DEFINED IN SECTION 255.25, 255.26 OR
19 255.27 OF THE PENAL LAW, AND THE VICTIM OF SUCH OFFENSE WAS UNDER THE
20 AGE OF EIGHTEEN AT THE TIME OF SUCH OFFENSE.
21 (B) "SCHOOL GROUNDS" SHALL MEAN SCHOOL GROUNDS AS THAT TERM IS DEFINED
22 IN SUBDIVISION FOURTEEN OF SECTION 220.00 OF THE PENAL LAW; AND
23 (C) "CHILD CARE FACILITY" SHALL MEAN ANY FACILITY OR INSTITUTION
24 PRIMARILY USED FOR THE CARE OR TREATMENT OF PERSONS UNDER THE AGE OF

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

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1 EIGHTEEN, WHICH SHALL INCLUDE BUT NOT BE LIMITED TO ANY HOME OR FACILITY
2 WHERE CHILD DAY CARE, AS SUCH TERM IS DEFINED IN PARAGRAPH (A) OF SUBDI-
3 VISION ONE OF SECTION THREE HUNDRED NINETY OF THE SOCIAL SERVICES LAW,
4 IS PROVIDED.

5 S 2. This act shall take effect immediately.