

2013-2014 Regular Sessions

I N   A S S E M B L Y

(PREFILED)

January 9, 2013

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Introduced by M. of A. HAWLEY, KOLB, GIGLIO, CROUCH, McDONOUGH, FINCH --  
Multi-Sponsored by -- M. of A. BARCLAY, DUPREY, McKEVITT, 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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. The legislature hereby finds and declares it necessary to  
2     protect children by prohibiting registered sex offenders from becoming  
3     or remaining employed at an amusement park, which by nature, presents  
4     direct contact with children in the regular course of such employment.  
5     S 2. Section 168-w of the correction law, as relettered by chapter 604  
6     of the laws of 2005, is relettered section 168-x and a new section 168-w  
7     is added to read as follows:  
8     S 168-W. PROHIBITING REGISTERED LEVEL TWO OR THREE SEX OFFENDERS FROM  
9     WORKING AT AMUSEMENT PARKS. 1. NO REGISTERED LEVEL TWO OR THREE SEX  
10    OFFENDER SHALL APPLY FOR, ACCEPT OR REMAIN IN ANY POSITION OF EMPLOYMENT  
11    AT ANY AMUSEMENT PARK. FOR PURPOSES OF THIS SECTION, "POSITION" SHALL  
12    INCLUDE ANY JOB OR TASK PERFORMED OR TO BE PERFORMED ON AMUSEMENT PARK  
13    GROUNDS. THIS SECTION SHALL FURTHER APPLY TO ANY PERSON SEEKING A PERMIT  
14    OR PERMISSION TO ENGAGE IN ANY ACTIVITY OR PERFORMANCE ON AMUSEMENT PARK  
15    GROUNDS WHICH WOULD INVOLVE DIRECT CONTACT WITH CHILDREN.  
16    2. ANY PERSON FOUND TO BE IN VIOLATION OF THIS SECTION SHALL BE GUILTY  
17    OF A CLASS A MISDEMEANOR UPON A FIRST CONVICTION THEREOF, AND UPON A  
18    SECOND OR SUBSEQUENT CONVICTION THEREOF SHALL BE GUILTY OF A CLASS D  
19    FELONY.  
20    3. ANY EMPLOYER THAT KNOWINGLY EMPLOYS A REGISTERED LEVEL TWO OR THREE  
21    SEX OFFENDER IN VIOLATION OF THIS SECTION SHALL BE FOUND GUILTY OF A  
22    CLASS A MISDEMEANOR.

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

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

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

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

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

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

31 S 4. This act shall take effect on the first of November next succeed-  
32 ing the date on which it shall have become a law.