

4585

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 6, 2013

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Introduced by M. of A. O'DONNELL, WEISENBERG, MAISEL, BRENNAN, SIMOTAS,  
HEVESI, AUBRY -- read once and referred to the Committee on Correction

AN ACT creating a temporary New York state commission on sex offender  
supervision and management and providing for the repeal of such  
provisions upon expiration thereof

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

1     Section 1. Legislative findings and intent. The legislature hereby  
2 finds and declares that persons convicted of a sex offense present a  
3 danger to the public. It is necessary that these offenders receive  
4 appropriate supervision and treatment designed to reduce the risk of  
5 re-offense in order to ensure the safety, health and welfare of the  
6 communities in which convicted sex offenders reside. The legislature  
7 further finds that New York's state prison system does not adequately  
8 prepare inmates for a safe return to the community upon the completion  
9 of their sentence. Lack of treatment during incarceration creates a  
10 threat to public safety by increasing the likelihood that inmates  
11 released to the community will be unable to successfully transition back  
12 to society and therefore heightens the risk of re-offense. This is espe-  
13 cially true for sex offenders who often do not find appropriate housing  
14 and treatment programs in the community. Further, the division of  
15 parole, local probation departments and social services agencies are  
16 often unable to locate suitable housing for convicted sex offenders.  
17 This lack of housing has resulted in an unacceptable level of concen-  
18 tration of sex offenders in certain residential areas.

19     S 2. A temporary state commission, to be known as the New York state  
20 commission on sex offender supervision and management, hereinafter  
21 referred to as the commission, is hereby created to examine, evaluate,  
22 and make recommendations concerning the effectiveness of programs  
23 involving inmates who are required to register as a sex offender pursu-  
24 ant to article 6-C of the correction law released from state and local

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

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1 correctional facilities. The commission shall investigate all factors  
2 that impact the risk of recidivism, and lead to the concentration of sex  
3 offenders in certain residential areas. The commission shall analyze the  
4 impact of existing policies and practices and compare such policies and  
5 practices of this state to those of other states and the federal govern-  
6 ment. The commission shall collect data from state and federal agencies  
7 and may analyze any current research deemed relevant and appropriate.  
8 Specifically, the commission shall examine at least the following:

9 (a) the existence of concentrations of registered sex offenders in  
10 certain residential areas and municipalities and the circumstances that  
11 caused such concentrations to exist;

12 (b) the practices and procedures of the division of parole, local  
13 probation departments and local social services districts in investigat-  
14 ing and approving residences for convicted sex offenders;

15 (c) the availability of appropriate housing for convicted sex offen-  
16 ders;

17 (d) the adequacy of supervision and monitoring of registered sex  
18 offenders under the supervision of the division of parole or serving a  
19 sentence of probation; and

20 (e) the effectiveness and availability of existing sex offender treat-  
21 ment programs and the need for additional sex offender treatment  
22 programs in prison, local correctional facilities and the community.

23 S 3. The commission shall consist of thirteen members, to be appointed  
24 as follows: three members shall be appointed by the governor, one each  
25 from the department of corrections and community supervision, the divi-  
26 sion of parole, and the office of probation and correctional alterna-  
27 tives; six members, with three appointments by the temporary president  
28 of the senate and three by the speaker of the assembly, shall be repre-  
29 sentative of community-based providers of employment, education, housing  
30 and other services used by individuals returning to society from prison,  
31 criminal justice advocates, victim advocacy groups, and academic profes-  
32 sionals in the field of criminal justice; one member shall be appointed  
33 by the minority leader of the senate; and one member shall be appointed  
34 by the minority leader of the assembly. The remaining members shall be  
35 the head or designee of the division of the criminal justice services  
36 and the head or designee of the office of temporary and disability  
37 assistance. The chairperson of the commission shall be the head or  
38 designee of the division of criminal justice services. The vice-chair-  
39 person of the commission shall be a representative of one of the commu-  
40 nity-based organizations and appointed by the chairperson. Vacancies in  
41 the membership of the commission and among its officers shall be filled  
42 in the manner provided for original appointments or designations.

43 S 4. The members of the commission shall receive no compensation for  
44 their services, but shall be allowed their actual and necessary expenses  
45 incurred in the performance of their duties hereunder. To the maximum  
46 extent feasible, the commission shall be entitled to request and receive  
47 and shall utilize and be provided with such facilities, resources, and  
48 data of any court, department, division, board, bureau, commission, or  
49 agency of the state or any political subdivision thereof as it deems  
50 necessary or desirable to carry out properly its powers and duties here-  
51 under.

52 S 5. For the accomplishment of its purposes, the commission shall be  
53 authorized and empowered to undertake any studies, inquiries, surveys or  
54 analyses it may deem relevant in cooperation with or by agreement with  
55 any other public or private agency. The commission shall meet and hold  
56 public hearings or private meetings within or without the state, and

1 shall have all the powers of a legislative committee pursuant to the  
2 legislative law.

3 S 6. The commission shall make a report of its findings, including any  
4 recommendations for legislative action as it may deem necessary and  
5 appropriate, to the governor, the temporary president of the senate, and  
6 the speaker of the assembly no later than one year after the effective  
7 date of this act.

8 S 7. This act shall take effect immediately and shall expire and be  
9 deemed repealed 1 year after such effective date; provided that the  
10 appointment of members to the New York state commission on sex offender  
11 supervision and management shall be completed within 90 days of such  
12 effective date.