

5987--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

March 12, 2013

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Introduced by M. of A. WEPRIN, MOSLEY, OTIS, SCARBOROUGH, BENEDETTO, GUNTHER, ZEBROWSKI, COLTON, HOOPER, RAIA, GRAF, WALTER -- Multi-Sponsored by -- M. of A. ARROYO, BARCLAY, CERETTO, COOK, CROUCH, DUPREY, GARBARINO, GIBSON, McKEVITT, McLAUGHLIN, PERRY, RIVERA, SOLAGES, WEISENBERG -- read once and referred to the Committee on Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law and the penal law, in relation to prohibiting certain 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:

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. PROHIBITION FROM ENTERING A CHILDREN'S SECTION OF A PUBLIC,  
5     ASSOCIATION OR FREE LIBRARY. ANY PERSON REQUIRED TO MAINTAIN REGISTRA-  
6     TION UNDER THIS ARTICLE (SEX OFFENDER REGISTRATION ACT) AND WHOSE VICTIM  
7     WAS A CHILD SHALL REFRAIN FROM ENTERING INTO OR UPON ANY AREA OR ROOM IN  
8     A PUBLIC, ASSOCIATION OR FREE LIBRARY DESIGNATED AS A CHILDREN'S SECTION  
9     OR DESIGNED PRIMARILY TO SERVE A POPULATION UNDER THE AGE OF EIGHTEEN.  
10    S 2. Paragraph (a) of subdivision 4-a of section 65.10 of the penal  
11    law, as amended by chapter 67 of the laws of 2008, is amended to read as  
12    follows:  
13    (a) When imposing a sentence of probation or conditional discharge  
14    upon a person convicted of an offense defined in article one hundred  
15    thirty, two hundred thirty-five or two hundred sixty-three of this chap-  
16    ter, or section 255.25, 255.26 or 255.27 of this chapter, and the victim  
17    of such offense was under the age of eighteen at the time of such  
18    offense or such person has been designated a level three sex offender

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

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1 pursuant to subdivision six of section [168-1] ONE HUNDRED SIXTY-EIGHT-L  
2 of the correction law, the court shall require, as a mandatory condition  
3 of such sentence, that such sentenced offender shall refrain from know-  
4 ingly entering into or upon any school grounds, as that term is defined  
5 in subdivision fourteen of section 220.00 of this chapter, OR ANY AREA  
6 OR ROOM OF A PUBLIC, ASSOCIATION OR FREE LIBRARY DESIGNATED AS A CHIL-  
7 DREN'S SECTION OR DESIGNED PRIMARILY TO SERVE A POPULATION UNDER THE AGE  
8 OF EIGHTEEN WHEN THE OFFENDER'S VICTIM WAS A CHILD, or any other facili-  
9 ty or institution primarily used for the care or treatment of persons  
10 under the age of eighteen while one or more of such persons under the  
11 age of eighteen are present, provided however, that when such sentenced  
12 offender is a registered student or participant or an employee of such  
13 facility or institution or entity contracting therewith or has a family  
14 member enrolled in such facility or institution, such sentenced offender  
15 may, with the written authorization of his or her probation officer or  
16 the court and the superintendent or chief administrator of such facili-  
17 ty, institution or grounds, enter such facility, institution or upon  
18 such grounds for the limited purposes authorized by the probation offi-  
19 cer or the court and superintendent or chief officer. Nothing in this  
20 subdivision shall be construed as restricting any lawful condition of  
21 supervision that may be imposed on such sentenced offender.  
22 S 3. This act shall take effect immediately.