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I N   A S S E M B L Y

February 14, 2014

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Introduced by M. of A. GOLDFEDER -- read once and referred to the  
Committee on Codes

AN ACT to amend the penal law and the executive law, in relation to the  
location of registered sex offenders

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

1     Section 1. Subdivision 4-a of section 65.10 of the penal law is  
2     amended by adding a new paragraph (c) to read as follows:  
3     (C) WHEN IMPOSING A SENTENCE OF PROBATION OR CONDITIONAL DISCHARGE  
4     UPON A PERSON CONVICTED OF AN OFFENSE DEFINED IN ARTICLE ONE HUNDRED  
5     THIRTY, TWO HUNDRED THIRTY-FIVE OR TWO HUNDRED SIXTY-THREE OF THIS CHAPTER, OR SECTION 255.25, 255.26 OR 255.27 OF THIS CHAPTER, AND THE VICTIM  
6     OF SUCH OFFENSE WAS UNDER THE AGE OF EIGHTEEN AT THE TIME OF SUCH  
7     OFFENSE OR SUCH PERSON HAS BEEN DESIGNATED A LEVEL TWO OR LEVEL THREE  
8     SEX OFFENDER PURSUANT TO SUBDIVISION SIX OF SECTION ONE HUNDRED  
9     SIXTY-EIGHT-L OF THE CORRECTION LAW, THE COURT SHALL REQUIRE, AS A  
10    MANDATORY CONDITION OF SUCH SENTENCE, THAT SUCH SENTENCED OFFENDER SHALL  
11    REFRAIN FROM RESIDING WITHIN FIVE HUNDRED FEET OF THE REAL PROPERTY  
12    BOUNDARY LINE COMPRISING ANY PARK THAT CONTAINS A PLAYGROUND, OR ENTER-  
13    ING UPON SUCH PARKLAND. NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED  
14    AS RESTRICTING ANY LAWFUL CONDITION OF SUPERVISION THAT MAY BE IMPOSED  
15    ON SUCH SENTENCED OFFENDER.  
16  
17    S 2. Subdivision 14 of section 259-c of the executive law, as amended  
18    by section 38-b of subpart A of part C of chapter 62 of the laws of  
19    2011, is amended to read as follows:  
20    14. (A) notwithstanding any other provision of law to the contrary,  
21    where a person serving a sentence for an offense defined in article one  
22    hundred thirty, one hundred thirty-five or two hundred sixty-three of  
23    the penal law or section 255.25, 255.26 or 255.27 of the penal law and  
24    the victim of such offense was under the age of eighteen at the time of  
25    such offense or such person has been designated a level TWO OR LEVEL  
26    three sex offender pursuant to subdivision six of section one hundred  
27    sixty-eight-l of the correction law, is released on parole or condi-  
28    tionally released pursuant to subdivision one or two of this section,

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

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1 the board shall require, as a mandatory condition of such release, that  
2 such sentenced offender shall refrain from knowingly entering into or  
3 upon any school grounds, as that term is defined in subdivision fourteen  
4 of section 220.00 of the penal law, or any other facility or institution  
5 primarily used for the care or treatment of persons under the age of  
6 eighteen while one or more of such persons under the age of eighteen are  
7 present, provided however, that when such sentenced offender is a regis-  
8 tered student or participant or an employee of such facility or institu-  
9 tion or entity contracting therewith or has a family member enrolled in  
10 such facility or institution, such sentenced offender may, with the  
11 written authorization of his or her parole officer and the superinten-  
12 dent or chief administrator of such facility, institution or grounds,  
13 enter such facility, institution or upon such grounds for the limited  
14 purposes authorized by the parole officer and superintendent or chief  
15 officer. Nothing in this subdivision shall be construed as restricting  
16 any lawful condition of supervision that may be imposed on such  
17 sentenced offender.

18 (B) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, WHERE  
19 A PERSON SERVING A SENTENCE FOR AN OFFENCE DEFINED IN ARTICLE ONE  
20 HUNDRED THIRTY, ONE HUNDRED THIRTY-FIVE OR TWO HUNDRED SIXTY-THREE OF  
21 THE PENAL LAW OR SECTION 255.25, 255.26 OR 255.27 OF THE PENAL LAW AND  
22 THE VICTIM OF SUCH OFFENSE WAS UNDER THE AGE OF EIGHTEEN AT THE TIME OF  
23 SUCH OFFENSE OR SUCH PERSON HAS BEEN DESIGNATED A LEVEL TWO OR LEVEL  
24 THREE SEX OFFENDER PURSUANT TO SUBDIVISION SIX OF SECTION ONE HUNDRED  
25 SIXTY-EIGHT-L OF THE CORRECTION LAW, IS RELEASED ON PAROLE OR CONDI-  
26 TIONALLY RELEASED PURSUANT TO SUBDIVISION ONE OR TWO OF THIS SECTION,  
27 THE BOARD SHALL REQUIRE, AS A MANDATORY CONDITION OF SUCH RELEASE, THAT  
28 SUCH SENTENCED OFFENDER SHALL REFRAIN FROM RESIDING WITHIN FIVE HUNDRED  
29 FEET OF THE REAL PROPERTY BOUNDARY LINE COMPRISING ANY PARK THAT  
30 CONTAINS A PLAYGROUND, OR ENTERING UPON SUCH PARKLAND. NOTHING IN THIS  
31 SUBDIVISION SHALL BE CONSTRUED AS RESTRICTING ANY LAWFUL CONDITION OF  
32 SUPERVISION THAT MAY BE IMPOSED ON SUCH SENTENCED OFFENDER.

33 S 3. This act shall take effect on the ninetieth day after it shall  
34 have become a law.