S T A T E O F N E W Y O R K

S. 6778--A A. 9025--A

S E N A T E - A S S E M B L Y

March 10, 2014

IN SENATE -- Introduced by Sens. BALL, AVELLA, BONACIC, DILAN, GOLDEN, LARKIN, MAZIARZ, RANZENHOFER, SEWARD -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

IN ASSEMBLY -- Introduced by M. of A. BRAUNSTEIN, SALADINO, SIMANOWITZ, MOSLEY, CRESPO, RIVERA, ZEBROWSKI, OTIS, CAMARA, FAHY, SKOUFIS, GUNTHER, SCHIMMINGER, KEARNS, GALEF -- Multi-Sponsored by -- M. of A. HIKIND -- 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, in relation to restricting sex offenders from residing near the residence of their victim

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

Section 1. Section 168-w of the correction law, as relettered by chapter 604 of the laws of 2005, is relettered section 168-x and a new section 168-w is added to read as follows:

S 168-W. LEVEL TWO AND LEVEL THREE SEX OFFENDER RESIDENCE LIMITATION; PENALTY. 1. IT SHALL BE UNLAWFUL FOR ANY LEVEL TWO OR LEVEL THREE SEX OFFENDER TO KNOWINGLY RESIDE WITHIN FIFTEEN HUNDRED FEET OF THE RESIDENCE OF A VICTIM OF HIS OR HER SEX OFFENSE OR SEXUALLY VIOLENT OFFENSE.

2. THE RESIDENCE PROHIBITION ESTABLISHED BY SUBDIVISION ONE OF THIS SECTION SHALL REMAIN IN EFFECT FOR AS LONG AS THE OFFENDER IS CLASSIFIED AS A LEVEL TWO OR THREE SEX OFFENDER.

3. IN ANY PROSECUTION PURSUANT TO THIS SECTION, IT SHALL BE AN AFFIRMATIVE DEFENSE THAT, AFTER THE SEX OFFENDER'S CONVICTION OF A SEX OFFENSE OR SEXUALLY VIOLENT OFFENSE, THE VICTIM OF SUCH OFFENSE ESTABLISHED A RESIDENCE WITHIN FIFTEEN HUNDRED FEET OF THE SEX OFFENDER'S RESIDENCE.

4. NO PROVISION OF THIS SECTION SHALL BE DEEMED TO REQUIRE THE DISCLOSURE OR NOTIFICATION OF THE ADDRESS OF ANY VICTIM TO A SEX OFFENDER.

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

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5. A SEX OFFENDER WHO VIOLATES THE PROVISIONS OF SUBDIVISION ONE OF THIS SECTION SHALL BE GUILTY OF A CLASS E FELONY.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.