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

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2580

2013-2014 Regular Sessions

I N   S E N A T E

January 22, 2013
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Introduced by Sen. BALL -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

AN ACT to amend the correction law, the executive law and the penal law, in relation to certain residency requirements for sex offenders

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

1    Section 1. Section 168-b of the correction law is amended by adding a
2  new subdivision 13 to read as follows:
3    13. THE DIVISION, WHEN ACKNOWLEDGING INITIAL REGISTRATION AND THERE-
4  AFTER IN ANNUAL CORRESPONDENCE, SHALL ADVISE EACH SEX OFFENDER TO WHOM
5  THE RESIDENCY RESTRICTION IN SECTION ONE HUNDRED SIXTY-EIGHT-W OF THIS
6  ARTICLE APPLIES, CONCERNING THE TERMS AND SPECIFIC DURATION OF SUCH
7  RESTRICTION.
8    S 2. Section 168-t of the correction law, as amended by chapter 373 of
9  the laws of 2007, is amended to read as follows:
10   S 168-t. Penalty. Any sex offender required to register or to verify
11 pursuant to the provisions of this article who fails to register or
12 verify in the manner and within the time periods provided for in this
13 article shall be guilty of a class E felony upon conviction for the
14 first offense, and upon conviction for a second or subsequent offense
15 shall be guilty of a class D felony. Any sex offender who violates the
16 provisions of section one hundred sixty-eight-v OR SUBDIVISION ONE OF
17 SECTION ONE HUNDRED SIXTY-EIGHT-W of this article shall be guilty of a
18 class A misdemeanor upon conviction for the first offense, and upon
19 conviction for a second or subsequent offense shall be guilty of a class
20 D felony. Any such failure to register or verify may also be the basis
21 for revocation of parole pursuant to section two hundred fifty-nine-i of
22 the executive law or the basis for revocation of probation pursuant to
23 article four hundred ten of the criminal procedure law.

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

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 1    S 3. Section 168-w of the correction law, as relettered by chapter 604
 2  of the laws of 2005, is relettered section 168-x and a new section 168-w
 3  is added to read as follows:
 4    S  168-W. RESIDENCY REQUIREMENTS FOR SEX OFFENDERS. 1. NO SEX OFFENDER
 5  SHALL RESIDE IN A RESIDENCE THAT IS WITHIN   ONE   THOUSAND   FEET   OF   ANY
 6  SCHOOL BUILDING REGULARLY USED FOR INSTRUCTIONAL PURPOSES, A BUILDING IN
 7  WHICH  CHILD  DAY  CARE   IS   PROVIDED   OR A PARK. THE PROVISIONS OF THIS
 8  SUBDIVISION SHALL APPLY FOR THE GREATER OF TEN YEARS OR   THE   PERIOD   OR
 9  TERM  OF  PROBATION,   PAROLE, CONDITIONAL RELEASE OR POST-RELEASE SUPER-
10  VISION APPLICABLE TO SUCH OFFENSE.
11    2. FOR PURPOSES OF THIS SECTION,   "SCHOOL"   SHALL   MEAN   A   PUBLIC   OR
12  PRIVATE  ELEMENTARY, PAROCHIAL, INTERMEDIATE, JUNIOR HIGH, VOCATIONAL OR
13  HIGH SCHOOL.
14    3. NOTHING IN THIS SECTION  SHALL  BE  CONSTRUED  AS  RESTRICTING  ANY
15  LAWFUL CONDITION THAT MAY BE IMPOSED ON A SENTENCED SEX OFFENDER.
16    S  4.  Section  259-c  of the executive law is amended by adding a new
17  subdivision 18 to read as follows:
18    18. WHEN THE PROVISIONS OF SECTION ONE HUNDRED  SIXTY-EIGHT-W  OF  THE
19  CORRECTION  LAW  CONCERNING  CERTAIN  RESTRICTIONS  ON  RESIDENCE APPLY,
20  DIRECT THE DIVISION TO NOTIFY THE PERSON RELEASED OF THE RESTRICTION  IN
21  WRITING  AND DIRECT THE SUPERVISING PAROLE OFFICER TO NOTIFY SUCH PERSON
22  OF SUCH RESTRICTION ORALLY AND IN WRITING.
23    S 5. Section 65.10 of the penal law is amended by adding a new  subdi-
24  vision 6 to read as follows:
25    6.  NOTICE  OF  RESIDENCY  REQUIREMENTS  FOR  SEX OFFENDERS. WHEN THE
26  PROVISIONS OF SECTION ONE HUNDRED SIXTY-EIGHT-W OF  THE  CORRECTION  LAW
27  CONCERNING  CERTAIN  RESTRICTIONS  ON  RESIDENCE  APPLY, THE COURT SHALL
28  NOTIFY THE DEFENDANT OF THE RESTRICTION IN WRITING AND  THE  SUPERVISING
29  PROBATION  OFFICER  SHALL  NOTIFY THE OFFENDER OF THE RESTRICTION ORALLY
30  AND IN WRITING.
31    S 6. This act shall take effect on the sixtieth  day  after  it  shall
32  have become a law and shall apply to sex offenders convicted or released
33  on or after such date.
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