

7868

I N S E N A T E

June 16, 2014

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the executive law and the penal law, in relation to prohibiting certain convicted sex offenders from knowingly being within 1,000 feet of any place where pre-kindergarten or kindergarten instruction is provided

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

1 Section 1. Subdivision 14 of section 259-c of the executive law, as
2 amended by section 38-b of subpart A of part C of chapter 62 of the laws
3 of 2011, is amended to read as follows:
4 14. notwithstanding any other provision of law to the contrary, where
5 a person serving a sentence for an offense defined in article one
6 hundred thirty, one hundred thirty-five or two hundred sixty-three of
7 the penal law or section 255.25, 255.26 or 255.27 of the penal law and
8 the victim of such offense was under the age of eighteen at the time of
9 such offense or such person has been designated a level three sex offender
10 pursuant to subdivision six of section one hundred sixty-eight-1 of
11 the correction law, is released on parole or conditionally released
12 pursuant to subdivision one or two of this section, the board shall
13 require, as a mandatory condition of such release, that such sentenced
14 offender shall refrain from knowingly entering into or upon any school
15 grounds, as that term is defined in subdivision fourteen of section
16 220.00 of the penal law, OR WITHIN ONE THOUSAND FEET OF ANY FACILITY OR
17 INSTITUTION WHERE PRE-KINDERGARTEN OR KINDERGARTEN INSTRUCTION IS
18 PROVIDED, or any other facility or institution primarily used for the
19 care or treatment of persons under the age of eighteen while one or more
20 of such persons under the age of eighteen are present, provided however,
21 that when such sentenced offender is a registered student or participant
22 or an employee of such facility or institution or entity contracting
23 therewith or has a family member enrolled in such facility or institution,
24 such sentenced offender may, with the written authorization of his
25 or her parole officer and the superintendent or chief administrator of
26 such facility, institution or grounds, enter such facility, institution

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

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1 or upon such grounds for the limited purposes authorized by the parole
2 officer and superintendent or chief officer. Nothing in this subdivi-
3 sion shall be construed as restricting any lawful condition of super-
4 vision that may be imposed on such sentenced offender.

5 S 2. Paragraph (a) of subdivision 4-a of section 65.10 of the penal
6 law, as amended by chapter 67 of the laws of 2008, is amended to read as
7 follows:

8 (a) When imposing a sentence of probation or conditional discharge
9 upon a person convicted of an offense defined in article one hundred
10 thirty, two hundred thirty-five or two hundred sixty-three of this chap-
11 ter, or section 255.25, 255.26 or 255.27 of this chapter, and the victim
12 of such offense was under the age of eighteen at the time of such
13 offense or such person has been designated a level three sex offender
14 pursuant to subdivision six of section [168-1] ONE HUNDRED SIXTY-EIGHT-L
15 of the correction law, the court shall require, as a mandatory condition
16 of such sentence, that such sentenced offender shall refrain from know-
17 ingly entering into or upon any school grounds, as that term is defined
18 in subdivision fourteen of section 220.00 of this chapter, OR WITHIN ONE
19 THOUSAND FEET OF ANY FACILITY OR INSTITUTION WHERE PRE-KINDERGARTEN OR
20 KINDERGARTEN INSTRUCTION IS PROVIDED, or any other facility or institu-
21 tion primarily used for the care or treatment of persons under the age
22 of eighteen while one or more of such persons under the age of eighteen
23 are present, provided however, that when such sentenced offender is a
24 registered student or participant or an employee of such facility or
25 institution or entity contracting therewith or has a family member
26 enrolled in such facility or institution, such sentenced offender may,
27 with the written authorization of his or her probation officer or the
28 court and the superintendent or chief administrator of such facility,
29 institution or grounds, enter such facility, institution or upon such
30 grounds for the limited purposes authorized by the probation officer or
31 the court and superintendent or chief officer. Nothing in this subdivi-
32 sion shall be construed as restricting any lawful condition of super-
33 vision that may be imposed on such sentenced offender.

34 S 3. This act shall take effect on the first of July next succeeding
35 the date on which it shall have become a law.