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I N   S E N A T E

June 16, 2014

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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.