

3828

2015-2016 Regular Sessions

I N A S S E M B L Y

January 27, 2015

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 ASSEM-
BLY, 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 CHAP-
6 TER, OR SECTION 255.25, 255.26 OR 255.27 OF THIS CHAPTER, AND THE VICTIM
7 OF SUCH OFFENSE WAS UNDER THE AGE OF EIGHTEEN AT THE TIME OF SUCH
8 OFFENSE OR SUCH PERSON HAS BEEN DESIGNATED A LEVEL TWO OR LEVEL THREE
9 SEX OFFENDER PURSUANT TO SUBDIVISION SIX OF SECTION ONE HUNDRED
10 SIXTY-EIGHT-L OF THE CORRECTION LAW, THE COURT SHALL REQUIRE, AS A
11 MANDATORY CONDITION OF SUCH SENTENCE, THAT SUCH SENTENCED OFFENDER SHALL
12 REFRAIN FROM RESIDING WITHIN FIVE HUNDRED FEET OF THE REAL PROPERTY
13 BOUNDARY LINE COMPRISING ANY PARK THAT CONTAINS A PLAYGROUND, OR ENTER-
14 ING UPON SUCH PARKLAND. NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED
15 AS RESTRICTING ANY LAWFUL CONDITION OF SUPERVISION THAT MAY BE IMPOSED
16 ON SUCH SENTENCED OFFENDER.
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

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

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

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

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