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

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subdivision 4-a of section 65.10 of the penal law is amended by adding a new paragraph (c) to read as follows:

(C) WHEN IMPOSING A SENTENCE OF PROBATION OR CONDITIONAL DISCHARGE UPON A PERSON CONVICTED OF AN OFFENSE DEFINED IN ARTICLE ONE HUNDRED THIRTY, TWO HUNDRED THIRTY-FIVE OR TWO HUNDRED SIXTY-THREE OF THIS CHAPTER, OR SECTION 255.25, 255.26 OR 255.27 OF THIS CHAPTER, AND THE VICTIM OF SUCH OFFENSE WAS UNDER THE AGE OF EIGHTEEN AT THE TIME OF SUCH OFFENSE OR SUCH PERSON HAS BEEN DESIGNATED A LEVEL TWO OR LEVEL THREE SEX OFFENDER PURSUANT TO SUBDIVISION SIX OF SECTION ONE HUNDRED SIXTY-EIGHT-L OF THE CORRECTION LAW, THE COURT SHALL REQUIRE, AS A MANDATORY CONDITION OF SUCH SENTENCE, THAT SUCH SENTENCED OFFENDER SHALL REFRAIN FROM RESIDING WITHIN FIVE HUNDRED FEET OF THE REAL PROPERTY BOUNDARY LINE COMPRISING ANY PARK THAT CONTAINS A PLAYGROUND, OR ENTERING UPON SUCH PARKLAND. NOTHING IN THIS SUBDIVISION SHALL BE CONSTRUED AS RESTRICTING ANY LAWFUL CONDITION OF SUPERVISION THAT MAY BE IMPOSED ON SUCH SENTENCED OFFENDER.

S 2. Subdivision 14 of section 259-c of the executive law, as amended by section 38-b of subpart A of part C of chapter 62 of the laws of 2011, is amended to read as follows:

14. (A) notwithstanding any other provision of law to the contrary, where a person serving a sentence for an offense defined in article one hundred thirty, one hundred thirty-five or two hundred sixty-three of the penal law or section 255.25, 255.26 or 255.27 of the penal law and the victim of such offense was under the age of eighteen at the time of 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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three sex offender pursuant to subdivision six of section one hundred sixty-eight-l of the correction law, is released on parole or conditionally released pursuant to subdivision one or two of this section, the board shall require, as a mandatory condition of such release, that such sentenced offender shall refrain from knowingly entering into or upon any school grounds, as that term is defined in subdivision fourteen of section 220.00 of the penal law, or any other facility or institution primarily used for the care or treatment of persons under the age of eighteen while one or more of such persons under the age of eighteen are present, provided however, that when such sentenced offender is a registered student or participant or an employee of such facility or institution or entity contracting therewith or has a family member enrolled in such facility or institution, such sentenced offender may, with the written authorization of his or her parole officer and the superintendent or chief administrator of such facility, institution or grounds, enter such facility, institution or upon such grounds for the limited purposes authorized by the parole officer and superintendent or chief officer. Nothing in this subdivision shall be construed as restricting any lawful condition of supervision that may be imposed on such sentenced offender.

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

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