

5165

2015-2016 Regular Sessions

I N A S S E M B L Y

February 12, 2015

Introduced by M. of A. SEPULVEDA -- read once and referred to the
Committee on Correction

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; and to amend the executive law, directing the commissioner of corrections and community supervision to apply for quarterly listings of all elementary and secondary schools in the state

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,

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

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1 that when such sentenced offender is a registered student or participant
2 or an employee of such facility or institution or entity contracting
3 therewith or has a family member enrolled in such facility or institu-
4 tion, such sentenced offender may, with the written authorization of his
5 or her parole officer and the superintendent or chief administrator of
6 such facility, institution or grounds, enter such facility, institution
7 or upon such grounds for the limited purposes authorized by the parole
8 officer and superintendent or chief officer. Nothing in this subdivi-
9 sion shall be construed as restricting any lawful condition of super-
10 vision that may be imposed on such sentenced offender.

11 S 2. The executive law is amended by adding a new section 259-f to
12 read as follows:

13 S 259-F. QUARTERLY REPORTS OF SCHOOLS. 1. ON A QUARTERLY BASIS THE
14 COMMISSIONER SHALL OBTAIN AN UPDATED LIST FROM THE COMMISSIONER OF
15 EDUCATION, OF EVERY ELEMENTARY AND SECONDARY SCHOOL IN THE STATE, AND OF
16 ANY OTHER FACILITY OR INSTITUTION WHERE PRE-KINDERGARTEN OR KINDERGARTEN
17 INSTRUCTION IS PROVIDED.

18 2. THE COMMISSIONER SHALL DISTRIBUTE THE INFORMATION RECEIVED PURSUANT
19 TO SUBDIVISION ONE OF THIS SECTION TO THE BOARD AND TO THE DIRECTOR OF
20 PROBATION AND CORRECTIONAL ALTERNATIVES.

21 3. ON OR BEFORE FEBRUARY FIRST EACH YEAR, THE COMMISSIONER SHALL NOTI-
22 FY THE GOVERNOR, THE TEMPORARY PRESIDENT OF THE SENATE, THE SPEAKER OF
23 THE ASSEMBLY, THE MINORITY LEADER OF THE SENATE AND THE MINORITY LEADER
24 OF THE ASSEMBLY, ON THE COMPLIANCE WITH THIS SECTION.

25 S 3. Paragraph (a) of subdivision 4-a of section 65.10 of the penal
26 law, as amended by chapter 67 of the laws of 2008, is amended to read as
27 follows:

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

54 S 4. This act shall take effect immediately, except that sections one
55 and three of this act shall take effect on the first of July next
56 succeeding the date on which it shall have become a law.