

7563

2015-2016 Regular Sessions

I N   A S S E M B L Y

May 19, 2015

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

AN ACT to amend the correction law, the mental hygiene law and the  
social services law, in relation to restricting sex offenders from  
residing in a community residence for the mentally disabled

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

1     Section 1. Section 168-c of the correction law is amended by adding a  
2     new subdivision 2-a to read as follows:  
3     2-A. NO SEX OFFENDER RELEASED OR DISCHARGED FROM A CORRECTIONAL FACIL-  
4     ITY, HOSPITAL OR LOCAL CORRECTIONAL FACILITY OR PLACED ON PROBATION  
5     SHALL RESIDE IN A COMMUNITY RESIDENCE AS DEFINED IN SECTION 1.03 OF THE  
6     MENTAL HYGIENE LAW.  
7     S 2. Section 168-f of the correction law is amended by adding a new  
8     subdivision 4-a to read as follows:  
9     4-A. A SEX OFFENDER, AFTER HIS OR HER DISCHARGE, PAROLE OR RELEASE  
10    FROM ANY CORRECTIONAL FACILITY, HOSPITAL OR LOCAL CORRECTIONAL FACILITY  
11    OR WHO HAS BEEN PLACED ON PROBATION AND WHO HAS ESTABLISHED A RESIDENCE  
12    SHALL NOT CHANGE SAID RESIDENCE SO AS TO RESIDE IN A COMMUNITY RESIDENCE  
13    FACILITY AS DEFINED IN SECTION 1.03 OF THE MENTAL HYGIENE LAW.  
14    S 3. Section 168-k of the correction law is amended by adding a new  
15    subdivision 5 to read as follows:  
16    5. A SEX OFFENDER WHO HAS ESTABLISHED RESIDENCE IN THIS STATE PURSUANT  
17    TO THIS SECTION SHALL NOT RESIDE IN A COMMUNITY RESIDENCE AS DEFINED IN  
18    SECTION 1.03 OF THE MENTAL HYGIENE LAW.  
19    S 4. Section 41.44 of the mental hygiene law is amended by adding a  
20    new subdivision (d-1) to read as follows:  
21    (D-1) THE COMMISSIONER SHALL DENY SEX OFFENDERS, AS DEFINED IN SECTION  
22    ONE HUNDRED SIXTY-EIGHT-A OF THE CORRECTION LAW, ADMISSION TO RESIDEN-  
23    TIAL CARE CENTERS FOR ADULTS.

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

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1 S 5. Paragraph 1 of subdivision a of section 10.11 of the mental  
2 hygiene law, as amended by section 118-e of subpart B of part C of chap-  
3 ter 62 of the laws of 2011, is amended to read as follows:

4 (1) Before ordering the release of a person to a regimen of strict and  
5 intensive supervision and treatment pursuant to this article, the court  
6 shall order that the department of corrections and community supervision  
7 recommend supervision requirements to the court. These supervision  
8 requirements, which shall be developed in consultation with the commis-  
9 sioner, may include but need not be limited to, electronic monitoring or  
10 global positioning satellite tracking for an appropriate period of time,  
11 polygraph monitoring, specification of residence or type [or] OF resi-  
12 dence, prohibition of contact with identified past or potential victims,  
13 strict and intensive supervision by a parole officer, and any other  
14 lawful and necessary conditions that may be imposed by a court. RECOM-  
15 MENDATIONS REGARDING RESIDENCE OR TYPE OF RESIDENCE SHALL NOT INCLUDE A  
16 COMMUNITY RESIDENCE AS DEFINED IN SECTION 1.03 OF THIS CHAPTER. In addi-  
17 tion, after consultation with the psychiatrist, psychologist or other  
18 professional primarily treating the respondent, the commissioner shall  
19 recommend a specific course of treatment. A copy of the recommended  
20 requirements for supervision and treatment shall be given to the attor-  
21 ney general and the respondent and his or her counsel a reasonable time  
22 before the court issues its written order pursuant to this section.

23 S 6. Subdivision 8 of section 20 of the social services law is amended  
24 by adding a new paragraph (c) to read as follows:

25 (C) NOTWITHSTANDING PARAGRAPH (B) OF THIS SUBDIVISION, LOCAL SOCIAL  
26 SERVICES OFFICIALS SHALL NOT PLACE ANY SEX OFFENDER, AS DEFINED IN  
27 SECTION ONE HUNDRED SIXTY-EIGHT-A OF THE CORRECTION LAW, IN A COMMUNITY  
28 RESIDENCE AS DEFINED IN SECTION 1.03 OF THE MENTAL HYGIENE LAW.

29 S 7. This act shall take effect on the ninetieth day after it shall  
30 have become a law.