

3223--A

2015-2016 Regular Sessions

I N   S E N A T E

February 3, 2015

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Introduced by Sen. CARLUCCI -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, the executive law and the penal law, in relation to sex offender's notice of residency requirements

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

1     Section 1. Section 168-b of the correction law is amended by adding a  
2     new subdivision 13 to read as follows:

3     13. THE DIVISION, WHEN ACKNOWLEDGING INITIAL REGISTRATION AND THERE-  
4     AFTER IN ANNUAL CORRESPONDENCE, SHALL ADVISE EACH SEX OFFENDER TO WHOM  
5     THE RESIDENCY RESTRICTION IN SECTION TWO HUNDRED FIFTY-NINE-C OF THE  
6     EXECUTIVE LAW OR SECTION 65.10 OF THE PENAL LAW APPLIES, CONCERNING THE  
7     TERMS AND SPECIFIC DURATION OF SUCH RESTRICTION.

8     S 2. Subdivision 14 of section 259-c of the executive law, as amended  
9     by section 38-b of subpart A of part C of chapter 62 of the laws of  
10    2011, is amended to read as follows:

11    14. notwithstanding any other provision of law to the contrary, where  
12    a person serving a sentence for an offense defined in article one  
13    hundred thirty, one hundred thirty-five or two hundred sixty-three of  
14    the penal law or section 255.25, 255.26 or 255.27 of the penal law and  
15    the victim of such offense was under the age of eighteen at the time of  
16    such offense or such person has been designated a level three sex offen-  
17    der pursuant to subdivision six of section one hundred sixty-eight-1 of  
18    the correction law, is released on parole or conditionally released  
19    pursuant to subdivision one or two of this section, the board shall  
20    require, as a mandatory condition of such release, that such sentenced  
21    offender shall refrain from knowingly entering into or upon any school  
22    grounds, as that term is defined in subdivision fourteen of section  
23    220.00 of the penal law, or any other facility or institution primarily  
24    used for the care or treatment of persons under the age of eighteen  
25    while one or more of such persons under the age of eighteen are present,  
26    OR WITHIN ONE THOUSAND FEET OF A PARK OR BUILDING IN WHICH CHILD DAY

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

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

12 S 3. Section 259-c of the executive law is amended by adding a new  
13 subdivision 18 to read as follows:

14 18. WHEN THE PROVISIONS OF SUBDIVISION FOURTEEN OF THIS SECTION APPLY  
15 CONCERNING CERTAIN RESTRICTIONS ON RESIDENCE, THE BOARD SHALL NOTIFY THE  
16 PERSON RELEASED OF THE RESTRICTION IN WRITING AND DIRECT THE SUPERVISING  
17 PAROLE OFFICER TO NOTIFY SUCH PERSON OF SUCH RESTRICTION ORALLY AND IN  
18 WRITING.

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

22 (a) When imposing a sentence of probation or conditional discharge  
23 upon a person convicted of an offense defined in article one hundred  
24 thirty, two hundred thirty-five or two hundred sixty-three of this chap-  
25 ter, or section 255.25, 255.26 or 255.27 of this chapter, and the victim  
26 of such offense was under the age of eighteen at the time of such  
27 offense or such person has been designated a level three sex offender  
28 pursuant to subdivision six of section 168-1 of the correction law, the  
29 court shall require, as a mandatory condition of such sentence, that  
30 such sentenced offender shall refrain from knowingly entering into or  
31 upon any school grounds, as that term is defined in subdivision fourteen  
32 of section 220.00 of this chapter, or any other facility or institution  
33 primarily used for the care or treatment of persons under the age of  
34 eighteen while one or more of such persons under the age of eighteen are  
35 present, OR WITHIN ONE THOUSAND FEET OF A PARK OR BUILDING IN WHICH  
36 CHILD DAY CARE IS PROVIDED, PROVIDED however, that when such sentenced  
37 offender is a registered student or participant or an employee of such  
38 facility or institution or entity contracting therewith or has a family  
39 member enrolled in such facility or institution, such sentenced offender  
40 may, with the written authorization of his or her probation officer or  
41 the court and the superintendent or chief administrator of such facili-  
42 ty, institution or grounds, enter such facility, institution or upon  
43 such grounds for the limited purposes authorized by the probation offi-  
44 cer or the court and superintendent or chief officer. Nothing in this  
45 subdivision shall be construed as restricting any lawful condition of  
46 supervision that may be imposed on such sentenced offender.

47 S 5. Section 65.10 of the penal law is amended by adding a new subdi-  
48 vision 6 to read as follows:

49 6. NOTICE OF RESIDENCY REQUIREMENTS FOR SEX OFFENDERS. WHEN THE  
50 PROVISIONS OF SUBDIVISION FOUR-A OF THIS SECTION APPLY CONCERNING  
51 CERTAIN RESTRICTIONS ON RESIDENCE, THE COURT SHALL NOTIFY THE DEFENDANT  
52 OF THE RESTRICTION IN WRITING AND THE SUPERVISING PROBATION OFFICER  
53 SHALL NOTIFY THE OFFENDER OF THE RESTRICTION ORALLY AND IN WRITING.

54 S 6. This act shall take effect on the sixtieth day after it shall  
55 have become a law.