

4890--A

2015-2016 Regular Sessions

I N S E N A T E

April 23, 2015

Introduced by Sens. AVELLA, KLEIN -- 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 executive law and the penal law, in relation to the requirement for certain sex offenders who are on probation or parole, or conditionally released to reside certain distances from school grounds

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

1 Section 1. The executive law is amended by adding a new section 259-f
2 to read as follows:

3 S 259-F. CERTAIN SEX OFFENDERS; RESIDENCE NEAR SCHOOL GROUNDS. THE
4 COMMISSIONER, IN CONSULTATION WITH THE BOARD, DIRECTOR OF PROBATION AND
5 CORRECTIONAL ALTERNATIVES AND COMMISSIONER OF CRIMINAL JUSTICE SERVICES,
6 SHALL ESTABLISH BY RULE A UNIFORM STANDARD FOR MEASURING AND ENFORCING
7 THE DISTANCE RESTRICTIONS FOR PROPOSED RESIDENCES FOR REGISTERED SEX
8 OFFENDERS WHO ARE SUBJECT TO THE PROVISION OF SUBDIVISION FOURTEEN OF
9 SECTION TWO HUNDRED FIFTY-NINE-C OF THIS ARTICLE OR SUBDIVISION FOUR-A
10 OF SECTION 65.10 OF THE PENAL LAW. SUCH STANDARD SHALL INCLUDE SPECIFIC
11 REQUIREMENTS AND THE METHODOLOGY FOR THE ENFORCEMENT OF THE DISTANCE
12 RESTRICTIONS AND SUCH STANDARD SHALL BE POSTED ON THE INTERNET WEBSITE
13 OF THE DIVISION OF CRIMINAL JUSTICE SERVICES.

14 S 2. Subdivision 14 of section 220.00 of the penal law, as amended by
15 chapter 292 of the laws of 1994, is amended to read as follows:

16 14. "School grounds" means (a) in or on or within any building, struc-
17 ture, athletic playing field, playground or land contained within the
18 real property boundary line of a public or private elementary, parochi-
19 al, intermediate, junior high, vocational, or high school, or (b) any
20 area accessible to the public located within one thousand feet of the
21 real property boundary line comprising any such school or any parked

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

LBD10568-02-5

1 automobile or other parked vehicle located within one thousand feet of
2 the real property boundary line comprising any such school. For the
3 purposes of this section an "area accessible to the public" shall mean
4 sidewalks, streets, parking lots, parks, playgrounds, stores and restau-
5 rants. PROVIDED, HOWEVER, THAT FOR THE PURPOSES OF SUBDIVISION FOURTEEN
6 OF SECTION TWO HUNDRED FIFTY-NINE-C OF THE EXECUTIVE LAW OR SUBDIVISION
7 FOUR-A OF SECTION 65.10 OF THIS CHAPTER, SUCH ONE THOUSAND FOOT DISTANCE
8 SHALL BE MEASURED FROM THE CLOSEST POINT OF THE REAL PROPERTY BOUNDARY
9 LINE OF THE SCHOOL GROUNDS TO THE CLOSEST POINT OF THE REAL PROPERTY
10 BOUNDARY LINE OF THE RESIDENCE OF THE SEX OFFENDER.

11 S 3. This act shall take effect immediately.