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

2339--A

2015-2016 Regular Sessions

I N  A S S E M B L Y

January 16, 2015

Introduced by M. of A. ENGLEBRIGHT, MORELLE, ABBATE, MARKEY, GUNTHER, ROBINSON, BENEDETTO, COLTON -- Multi-Sponsored by -- M. of A. CLARK, COOK, GALEF, GANTT, HIKIND, MAGNARELLI, ORTIZ, SCHIMMINGER -- read once and referred to the Committee on Correction -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the correction law, in relation to prohibiting registered sex offenders from working with children

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

Section 1. Section 168-w of the correction law, as relettered by chapter 604 of the laws of 2005, is relettered section 168-x and a new section 168-w is added to read as follows:

S 168-W. SEX OFFENDERS PROHIBITED FROM WORKING WITH CHILDREN. 1. NO PERSON REQUIRED TO MAINTAIN REGISTRATION UNDER THIS ARTICLE SHALL BE ALLOWED TO ACCEPT AN ASSIGNMENT, EITHER AS PAID EMPLOYMENT OR AS A VOLUNTEER, WHICH BY THE INHERENT NATURE OF THE ASSIGNMENT PLACES THE PERSON IN SUBSTANTIAL CONTACT WITH CHILDREN. THIS SECTION SHALL ALSO APPLY TO ANY PERSON SEEKING A PERMIT OR PERMISSION TO EXECUTE ANY ACTIVITY OR PERFORMANCE THAT WOULD PRESENT A DIRECT CONTACT WITH CHILDREN.

2. FOR PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOWING MEANINGS:

(A) "SUBSTANTIAL CONTACT WITH CHILDREN" AS USED IN THIS SECTION SHALL MEAN WORKING WITH CHILDREN, HAVING OPPORTUNITY TO BE ALONE WITH CHILDREN, SPENDING TIME SPECIFICALLY WITH CHILDREN, PERFORMING FOR CHILDREN, OR ENGAGING IN ANY OTHER ACTIVITY THAT IS TARGETED TO INVOLVE CHILDREN; AND

(B) "ASSIGNMENT" SHALL MEAN ANY POSITION, JOB, WORK, OR PLACEMENT INCLUDING, BUT NOT LIMITED TO:

(I) ANY POSITION IN A SCHOOL INCLUDING TEACHERS, TEACHER-AIDES, ADMINISTRATORS, ASSISTANTS, CAFETERIA WORKERS, JANITORS, NURSES OR ANY OTHER

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

LBD06272-03-5

PERSON WORKING IN A SCHOOL THAT WOULD HAVE CONTACT WITH THE CHILDREN ATTENDING A SCHOOL;

(II) ANY POSITION IN A CHILD-CARE FACILITY;

(III) ANY RECREATIONAL POSITION SUCH AS A COACH, BOY OR GIRL SCOUT LEADER, CAMP COUNSELOR, LIFEGUARD, INSTRUCTOR OR ANY OTHER RECREATIONAL POSITION IN A PARK, PLAYGROUND, AMUSEMENT PARK, POOL OR ANY OTHER FACILITY THAT WOULD ALLOW A SUBSTANTIAL CONTACT WITH CHILDREN;

(IV) ANY POSITION IN A STORE OR RESTAURANT THAT IS SPECIFICALLY TARGETED TOWARDS CHILDREN SUCH AS A TOY STORE OR CHILDREN'S THEMED RESTAURANT; OR

(V) ANY POSITION INVOLVING THE CARE OF ONE OR MORE FOSTER CHILDREN, INCLUDING AN APPOINTMENT AS A FOSTER PARENT.

3. EVERY EMPLOYER, ORGANIZATION AND GOVERNMENT ENTITY SHALL CHECK ANY POTENTIAL EMPLOYEES AND VOLUNTEERS SEEKING TO ASSUME AN ASSIGNMENT THAT WILL ALLOW SUBSTANTIAL CONTACT WITH CHILDREN AGAINST THE REGISTERED SEX OFFENDERS DATABASE TO ASCERTAIN IF SAID PERSON HAS A CONVICTION FOR SEXUAL ABUSE OF A CHILD.

4. (A) ANY REGISTERED SEX OFFENDER WHO SEEKS OR ACCEPTS AN ASSIGNMENT IN VIOLATION OF THIS SECTION SHALL BE GUILTY OF A CLASS A MISDEMEANOR UPON THE FIRST CONVICTION THEREOF, AND UPON A SECOND OR SUBSEQUENT CONVICTION THEREOF SHALL BE GUILTY OF A CLASS D FELONY.

(B) ANY PERSON OR ORGANIZATION THAT KNOWINGLY PROVIDES A SEX OFFENDER WITH AN ASSIGNMENT IN VIOLATION OF THIS SECTION, REGARDLESS OF WHETHER SUCH PERSON RECEIVES COMPENSATION OR IS A VOLUNTEER SHALL, UPON CONVICTION, BE GUILTY OF A CLASS A MISDEMEANOR FOR THE FIRST CONVICTION THEREOF, AND UPON A SECOND OR SUBSEQUENT CONVICTION THEREOF SHALL BE GUILTY OF A CLASS D FELONY.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.