

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

3223--A

2015-2016 Regular Sessions

I N S E N A T E

February 3, 2015

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.