

# STATE OF NEW YORK

1635

2017-2018 Regular Sessions

## IN SENATE

January 10, 2017

Introduced by Sens. GOLDEN, YOUNG -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction

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:

§ 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 person working in a school that would have contact with the children attending a school;

(ii) any position in a child-care facility;

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

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1     (iii) any recreational position such as a coach, boy or girl scout  
2     leader, camp counselor, lifeguard, instructor or any other recreational  
3     position in a park, playground, amusement park, pool or any other facil-  
4     ity that would allow a substantial contact with children;

5     (iv) any position in a store or restaurant that is specifically  
6     targeted towards children such as a toy store or children's themed  
7     restaurant; or

8     (v) any position involving the care of one or more foster children,  
9     including an appointment as a foster parent.

10    3. Every employer, organization and government entity shall check any  
11    potential employees and volunteers seeking to assume an assignment that  
12    will allow substantial contact with children against the registered sex  
13    offenders database to ascertain if said person has a conviction for  
14    sexual abuse of a child.

15    4. (a) Any registered sex offender who seeks or accepts an assignment  
16    in violation of this section shall be guilty of a class A misdemeanor  
17    upon the first conviction thereof, and upon a second or subsequent  
18    conviction thereof shall be guilty of a class D felony.

19    (b) Any person or organization that knowingly provides a sex offender  
20    with an assignment in violation of this section, regardless of whether  
21    such person receives compensation or is a volunteer shall, upon  
22    conviction, be guilty of a class A misdemeanor for the first conviction  
23    thereof, and upon a second or subsequent conviction thereof shall be  
24    guilty of a class D felony.

25    § 2. This act shall take effect on the first of November next succeed-  
26    ing the date on which it shall have become a law.