

# STATE OF NEW YORK

8075

## IN SENATE

March 26, 2018

Introduced by Sen. AVELLA -- 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 residency requirements for sex offenders

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 one hundred sixty-eight-w of this  
6 article applies, concerning the terms and specific duration of such  
7 restriction. The division shall regularly monitor compliance with such  
8 restriction.

9 § 2. Section 168-t of the correction law, as amended by chapter 373 of  
10 the laws of 2007, is amended to read as follows:

11 § 168-t. Penalty. Any sex offender required to register or to verify  
12 pursuant to the provisions of this article who fails to register or  
13 verify in the manner and within the time periods provided for in this  
14 article shall be guilty of a class E felony upon conviction for the  
15 first offense, and upon conviction for a second or subsequent offense  
16 shall be guilty of a class D felony. Any sex offender who violates the  
17 provisions of section one hundred sixty-eight-v or section one hundred  
18 sixty-eight-w of this article shall be guilty of a class A misdemeanor  
19 upon conviction for the first offense, and upon conviction for a second  
20 or subsequent offense shall be guilty of a class D felony. Any such  
21 failure to register or verify may also be the basis for revocation of  
22 parole pursuant to section two hundred fifty-nine-i of the executive law  
23 or the basis for revocation of probation pursuant to article four  
24 hundred ten of the criminal procedure law.

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

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

LBD15114-01-8

1     § 168-w. Residency requirements for sex offenders. No sex offender  
2     required to register under this article shall reside in a residence that  
3     is within one thousand feet of any school grounds. For purposes of this  
4     section, "school grounds" shall have the same meaning as defined in  
5     subdivision fourteen of section 220.00 of the penal law.

6     § 4. This act shall take effect on the ninetieth day after it shall  
7     have become a law.