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:

Section 1. Section 168-b of the correction law is amended by adding a new subdivision 13 to read as follows:

13. The division, when acknowledging initial registration and thereafter in annual correspondence, shall advise each sex offender, to whom the residency restriction in section one hundred sixty-eight-w of this article applies, concerning the terms and specific duration of such restriction. The division shall regularly monitor compliance with such restriction.

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

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

§ 3. 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:

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

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

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