

STATE OF NEW YORK

6695

2019-2020 Regular Sessions

IN ASSEMBLY

March 15, 2019

Introduced by M. of A. FINCH, McDONOUGH, FITZPATRICK, GIGLIO, MORINELLO, WALSH, LAWRENCE, BARCLAY -- Multi-Sponsored by -- M. of A. BLANKENBUSH, GARBARINO -- read once and referred to the Committee on Correction

AN ACT to amend the correction law, the mental hygiene law and the social services law, in relation to restricting sex offenders from residing in a community residence for the mentally disabled

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 168-c of the correction law is amended by adding a
2 new subdivision 2-a to read as follows:

3 2-a. No sex offender released or discharged from a correctional facil-
4 ity, hospital or local correctional facility or placed on probation
5 shall reside in a community residence as defined in section 1.03 of the
6 mental hygiene law.

7 § 2. Section 168-f of the correction law is amended by adding a new
8 subdivision 4-a to read as follows:

9 4-a. A sex offender, after his or her discharge, parole or release
10 from any correctional facility, hospital or local correctional facility
11 or who has been placed on probation and who has established a residence
12 shall not change said residence so as to reside in a community residence
13 facility as defined in section 1.03 of the mental hygiene law.

14 § 3. Section 168-k of the correction law is amended by adding a new
15 subdivision 5 to read as follows:

16 5. A sex offender who has established residence in this state pursuant
17 to this section shall not reside in a community residence as defined in
18 section 1.03 of the mental hygiene law.

19 § 4. Section 41.44 of the mental hygiene law is amended by adding a
20 new subdivision (d-1) to read as follows:

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

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1 (d-1) The commissioner shall deny sex offenders, as defined in section
2 one hundred sixty-eight-a of the correction law, admission to residen-
3 tial care centers for adults.

4 § 5. Paragraph 1 of subdivision (a) of section 10.11 of the mental
5 hygiene law, as amended by section 118-e of subpart B of part C of chap-
6 ter 62 of the laws of 2011, is amended to read as follows:

7 (1) Before ordering the release of a person to a regimen of strict and
8 intensive supervision and treatment pursuant to this article, the court
9 shall order that the department of corrections and community supervision
10 recommend supervision requirements to the court. These supervision
11 requirements, which shall be developed in consultation with the commis-
12 sioner, may include but need not be limited to, electronic monitoring or
13 global positioning satellite tracking for an appropriate period of time,
14 polygraph monitoring, specification of residence or type ~~[ex]~~ of resi-
15 dence, prohibition of contact with identified past or potential victims,
16 strict and intensive supervision by a parole officer, and any other
17 lawful and necessary conditions that may be imposed by a court. Recom-
18 mendations regarding residence or type of residence shall not include a
19 community residence as defined in section 1.03 of this chapter. In addi-
20 tion, after consultation with the psychiatrist, psychologist or other
21 professional primarily treating the respondent, the commissioner shall
22 recommend a specific course of treatment. A copy of the recommended
23 requirements for supervision and treatment shall be given to the attor-
24 ney general and the respondent and his or her counsel a reasonable time
25 before the court issues its written order pursuant to this section.

26 § 6. Subdivision 8 of section 20 of the social services law is amended
27 by adding a new paragraph (c) to read as follows:

28 (c) Notwithstanding paragraph (b) of this subdivision, local social
29 services officials shall not place any sex offender, as defined in
30 section one hundred sixty-eight-a of the correction law, in a community
31 residence as defined in section 1.03 of the mental hygiene law.

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