

# STATE OF NEW YORK

3195

2019-2020 Regular Sessions

## IN ASSEMBLY

January 28, 2019

Introduced by M. of A. ORTIZ -- read once and referred to the Committee on Correction

AN ACT to amend the executive law and the penal law, in relation to the requirement for certain sex offenders who are on probation or parole, or conditionally released to reside certain distances from school grounds

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

1 Section 1. The executive law is amended by adding a new section 259-f  
2 to read as follows:

3 § 259-f. Certain sex offenders; residence near school grounds. The  
4 commissioner, in consultation with the board, director of probation and  
5 correctional alternatives and commissioner of criminal justice services,  
6 shall establish by rule a uniform standard for measuring and enforcing  
7 the distance restrictions for proposed residences for registered sex  
8 offenders who are subject to the provision of subdivision fourteen of  
9 section two hundred fifty-nine-c of this article or subdivision four-a  
10 of section 65.10 of the penal law. Such standard shall include specific  
11 requirements and the methodology for the enforcement of the distance  
12 restrictions and such standard shall be posted on the internet website  
13 of the division of criminal justice services.

14 § 2. Subdivision 14 of section 220.00 of the penal law, as amended by  
15 chapter 292 of the laws of 1994, is amended to read as follows:

16 14. "School grounds" means (a) in or on or within any building, struc-  
17 ture, athletic playing field, playground or land contained within the  
18 real property boundary line of a public or private elementary, parochi-  
19 al, intermediate, junior high, vocational, or high school, or (b) any  
20 area accessible to the public located within one thousand feet of the  
21 real property boundary line comprising any such school or any parked  
22 automobile or other parked vehicle located within one thousand feet of  
23 the real property boundary line comprising any such school. For the

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

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1 purposes of this section an "area accessible to the public" shall mean  
2 sidewalks, streets, parking lots, parks, playgrounds, stores and restau-  
3 rants. Provided, however, that for the purposes of subdivision fourteen  
4 of section two hundred fifty-nine-c of the executive law or subdivision  
5 four-a of section 65.10 of this chapter, such one thousand foot distance  
6 shall be measured from the closest point of the real property boundary  
7 line of the school grounds to the closest point of the real property  
8 boundary line of the residence of the sex offender.  
9 § 3. This act shall take effect immediately.