

STATE OF NEW YORK

6640

2019-2020 Regular Sessions

IN ASSEMBLY

March 14, 2019

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

AN ACT to amend the correction law, in relation to municipal residency restrictions

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

1 Section 1. Legislative findings. It is the sense of the legislature
2 that determinations regarding restrictions upon the residence of sex
3 offenders who are required to register pursuant to the provisions of
4 article 6-C of the correction law should be made by the local municipality in which such offenders reside, subject to state set minimum
5 distance and a permissible maximum distance allowing state interests to
6 determine housing for registered sex offenders. Municipalities are in a
7 better position than the state to determine whether the restrictive
8 residential distance from a school grounds shall remain at one thousand
9 feet, or shall be expanded to up to one thousand five hundred feet.

10 § 2. Section 168-w of the correction law, as relettered by chapter 604
11 of the laws of 2005, is relettered section 168-x and a new section 168-w
12 is added to read as follows:

13 § 168-w. Municipal residency restrictions. Any municipality may enact
14 a local law which imposes residency restrictions upon sex offenders
15 required to register pursuant to this article, provided that such resi-
16 dency restrictions are no less restrictive than the requirements set
17 forth in paragraph (a) of subdivision four-a of section 65.10 of the
18 penal law and subdivision fourteen of section two hundred fifty-nine-c
19 of the executive law, and provided that such residency restrictions do
20 not exceed one thousand five hundred feet from a school grounds.

21 § 3. This act shall take effect immediately.
22

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

LBD03995-01-9