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:

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

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

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

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

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

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

§ 4. Section 41.44 of the mental hygiene law is amended by adding a 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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(d-1) The commissioner shall deny sex offenders, as defined in section one hundred sixty-eight-a of the correction law, admission to residential care centers for adults.

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

(1) Before ordering the release of a person to a regimen of strict and intensive supervision and treatment pursuant to this article, the court shall order that the department of corrections and community supervision recommend supervision requirements to the court. These supervision requirements, which shall be developed in consultation with the commissioner, may include but need not be limited to, electronic monitoring or global positioning satellite tracking for an appropriate period of time, polygraph monitoring, specification of residence or type [~~or~~] **of** residence, prohibition of contact with identified past or potential victims, strict and intensive supervision by a parole officer, and any other lawful and necessary conditions that may be imposed by a court. **Recommendations regarding residence or type of residence shall not include a community residence as defined in section 1.03 of this chapter.** In addition, after consultation with the psychiatrist, psychologist or other professional primarily treating the respondent, the commissioner shall recommend a specific course of treatment. A copy of the recommended requirements for supervision and treatment shall be given to the attorney general and the respondent and his or her counsel a reasonable time before the court issues its written order pursuant to this section.

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

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

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