

# STATE OF NEW YORK

---

5570

2019-2020 Regular Sessions

## IN SENATE

May 7, 2019

---

Introduced by Sen. MARTINEZ -- 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 executive law, in relation to prohibiting individuals designated as level three sex offenders from being paroled to residences that are within one thousand feet from a school

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

1 Section 1. Subdivision 14 of section 259-c of the executive law, as  
2 amended by section 38-b of subpart A of part C of chapter 62 of the laws  
3 of 2011, is amended to read as follows:

4 14. notwithstanding any other provision of law to the contrary, where  
5 a person serving a sentence for an offense defined in article one  
6 hundred thirty, one hundred thirty-five or two hundred sixty-three of  
7 the penal law or section 255.25, 255.26 or 255.27 of the penal law and  
8 the victim of such offense was under the age of eighteen at the time of  
9 such offense or [~~such~~] where a person has been designated a level three  
10 sex offender pursuant to subdivision six of section one hundred sixty-  
11 eight-1 of the correction law, is released on parole or conditionally  
12 released pursuant to subdivision one or two of this section, the board  
13 shall require, as a mandatory condition of such release, that such  
14 sentenced offender shall refrain from knowingly entering into or upon  
15 any school grounds, as that term is defined in subdivision fourteen of  
16 section 220.00 of the penal law, or any other facility or institution  
17 primarily used for the care or treatment of persons under the age of  
18 eighteen while one or more of such persons under the age of eighteen are  
19 present, provided however, that when such sentenced offender is a regis-  
20 tered student or participant or an employee of such facility or institu-  
21 tion or entity contracting therewith or has a family member enrolled in  
22 such facility or institution, such sentenced offender may, with the  
23 written authorization of his or her parole officer and the superinten-

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

LBD11132-01-9

1 dent or chief administrator of such facility, institution or grounds,  
2 enter such facility, institution or upon such grounds for the limited  
3 purposes authorized by the parole officer and superintendent or chief  
4 officer. Nothing in this subdivision shall be construed as restricting  
5 any lawful condition of supervision that may be imposed on such  
6 sentenced offender.

7 § 2. This act shall take effect immediately.