

# STATE OF NEW YORK

5938

2021-2022 Regular Sessions

## IN ASSEMBLY

March 2, 2021

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

AN ACT to amend the executive law and the penal law, in relation to prohibiting certain convicted sex offenders from knowingly being within 1,000 feet of a child care provider, a preschool or any place where pre-kindergarten or kindergarten instruction is provided

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 person has been designated a level three sex offender  
10 pursuant to subdivision six of section one hundred sixty-eight-1 of  
11 the correction law, is released on parole or conditionally released  
12 pursuant to subdivision one or two of this section, the board shall  
13 require, as a mandatory condition of such release, that such sentenced  
14 offender shall refrain from knowingly entering into or upon any school  
15 grounds, as that term is defined in subdivision fourteen of section  
16 220.00 of the penal law, or within one thousand feet of a child care  
17 provider, a preschool, or any facility or institution where pre-kindergarten  
18 or kindergarten instruction is provided, or any other facility or  
19 institution primarily used for the care or treatment of persons under  
20 the age of eighteen while one or more of such persons under the age of  
21 eighteen are present, provided however, that when such sentenced offender  
22 is a registered student or participant or an employee of such facility  
23 or institution or entity contracting therewith or has a family

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

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

9 § 2. Paragraph (a) of subdivision 4-a of section 65.10 of the penal  
10 law, as amended by chapter 67 of the laws of 2008, is amended to read as  
11 follows:

12 (a) When imposing a sentence of probation or conditional discharge  
13 upon a person convicted of an offense defined in article one hundred  
14 thirty, two hundred thirty-five or two hundred sixty-three of this chap-  
15 ter, or section 255.25, 255.26 or 255.27 of this chapter, and the victim  
16 of such offense was under the age of eighteen at the time of such  
17 offense or such person has been designated a level three sex offender  
18 pursuant to subdivision six of section [~~168-1~~] one hundred sixty-eight-1  
19 of the correction law, the court shall require, as a mandatory condition  
20 of such sentence, that such sentenced offender shall refrain from know-  
21 ingly entering into or upon any school grounds, as that term is defined  
22 in subdivision fourteen of section 220.00 of this chapter, or within one  
23 thousand feet of a child care provider, a preschool, or any facility or  
24 institution where pre-kindergarten or kindergarten instruction is  
25 provided, or any other facility or institution primarily used for the  
26 care or treatment of persons under the age of eighteen while one or more  
27 of such persons under the age of eighteen are present, provided however,  
28 that when such sentenced offender is a registered student or participant  
29 or an employee of such facility or institution or entity contracting  
30 therewith or has a family member enrolled in such facility or institu-  
31 tion, such sentenced offender may, with the written authorization of his  
32 or her probation officer or the court and the superintendent or chief  
33 administrator of such facility, institution or grounds, enter such  
34 facility, institution or upon such grounds for the limited purposes  
35 authorized by the probation officer or the court and superintendent or  
36 chief officer. Nothing in this subdivision shall be construed as  
37 restricting any lawful condition of supervision that may be imposed on  
38 such sentenced offender.

39 § 3. This act shall take effect on the first of July next succeeding  
40 the date on which it shall have become a law.