

# STATE OF NEW YORK

3856

2021-2022 Regular Sessions

## IN SENATE

January 31, 2021

Introduced by Sen. KENNEDY -- 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 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 municipi-  
5 pality in which such offenders reside, subject to state set minimum  
6 distance and a permissible maximum distance allowing state interests to  
7 determine housing for registered sex offenders. Municipalities are in a  
8 better position than the state to determine whether the restrictive  
9 residential distance from a school grounds shall remain at one thousand  
10 feet, or shall be expanded to up to one thousand five hundred feet.

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

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

22 § 3. This act shall take effect immediately.

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

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