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:

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

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

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

§ 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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