STATE OF NEW YORK

5538

2021-2022 Regular Sessions

IN SENATE

March 10, 2021

Introduced by Sen. STEC -- read twice and ordered printed, and when printed to be committed to the Committee on Disabilities

AN ACT to amend the mental hygiene law, in relation to placement of registered sex offenders by the office for people with developmental disabilities

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

Section 1. The mental hygiene law is amended by adding a new section 13.38-a to read as follows:

§ 13.38-a Placement of registered sex offenders.

1. For purposes of this section, the term "registered sex offender" shall mean all registered sex offenders pursuant to article six-C of the correction law, except for a level one sex offender who has not been designated as a sexual predator, a sexually violent offender, or a predicate sex offender.

2. The office shall designate specific residential placements for individuals with developmental disabilities who are registered sex offenders. The office shall determine how many residential placements for individuals who are registered sex offenders are necessary to provide adequate services to such individuals and shall ensure that the location of such residential placements are geographically disbursed throughout the state.

3. Notwithstanding any inconsistent provision of law, the office shall not permit or cause the placement of any registered sex offender in any residential placement other than specifically designated residential placements for registered sex offenders as provided in subdivision one of this section. Provided, however, this subdivision shall not apply to registered sex offenders who have already been successfully placed by the office in a residential placement for individuals with developmental disabilities.

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

LBD03155-02-1

4. The office shall develop a staffing model for such residential placements for registered sex offenders which shall include, but shall not be limited to, an adequate staff to resident ratio and appropriate training, to ensure the safety and well-being of the residents.

5. Transitional care provided to such registered sex offenders with developmental disabilities shall include outreach by the office to local law enforcement.

§ 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.