

# STATE OF NEW YORK

5871

2021-2022 Regular Sessions

## IN SENATE

March 19, 2021

Introduced by Sen. SAVINO -- 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 and the penal law, in relation to prohibiting certain convicted sex offenders from knowingly being within 1,000 feet of any place where pre-kindergarten or kindergarten instruction is provided; and to amend the executive law, in relation to directing the commissioner of corrections and community supervision to apply for quarterly listings of all elementary and secondary schools in the state

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 offen-  
10 der 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 any facility or  
17 institution where pre-kindergarten or kindergarten instruction is  
18 provided, or any other facility or institution primarily used for the  
19 care or treatment of persons under the age of eighteen while one or more  
20 of such persons under the age of eighteen are present, provided however,  
21 that when such sentenced offender is a registered student or participant  
22 or an employee of such facility or institution or entity contracting

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

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

9 § 2. The executive law is amended by adding a new section 259-f to  
10 read as follows:

11 § 259-f. Quarterly reports of schools. 1. On a quarterly basis the  
12 commissioner shall obtain an updated list from the commissioner of  
13 education, of every elementary and secondary school in the state, and of  
14 any other facility or institution where pre-kindergarten or kindergarten  
15 instruction is provided.

16 2. The commissioner shall distribute the information received pursuant  
17 to subdivision one of this section to the board and to the director of  
18 probation and correctional alternatives.

19 3. On or before February first each year, the commissioner shall noti-  
20 fy the governor, the temporary president of the senate, the speaker of  
21 the assembly, the minority leader of the senate and the minority leader  
22 of the assembly, on the compliance with this section.

23 § 3. Paragraph (a) of subdivision 4-a of section 65.10 of the penal  
24 law, as amended by chapter 67 of the laws of 2008, is amended to read as  
25 follows:

26 (a) When imposing a sentence of probation or conditional discharge  
27 upon a person convicted of an offense defined in article one hundred  
28 thirty, two hundred thirty-five or two hundred sixty-three of this chap-  
29 ter, or section 255.25, 255.26 or 255.27 of this chapter, and the victim  
30 of such offense was under the age of eighteen at the time of such  
31 offense or such person has been designated a level three sex offender  
32 pursuant to subdivision six of section [~~169-1~~] one hundred sixty-eight-1  
33 of the correction law, the court shall require, as a mandatory condition  
34 of such sentence, that such sentenced offender shall refrain from know-  
35 ingly entering into or upon any school grounds, as that term is defined  
36 in subdivision fourteen of section 220.00 of this chapter, or within one  
37 thousand feet of any facility or institution where pre-kindergarten or  
38 kindergarten instruction is provided, or any other facility or institu-  
39 tion primarily used for the care or treatment of persons under the age  
40 of eighteen while one or more of such persons under the age of eighteen  
41 are present, provided however, that when such sentenced offender is a  
42 registered student or participant or an employee of such facility or  
43 institution or entity contracting therewith or has a family member  
44 enrolled in such facility or institution, such sentenced offender may,  
45 with the written authorization of his or her probation officer or the  
46 court and the superintendent or chief administrator of such facility,  
47 institution or grounds, enter such facility, institution or upon such  
48 grounds for the limited purposes authorized by the probation officer or  
49 the court and superintendent or chief officer. Nothing in this subdivi-  
50 sion shall be construed as restricting any lawful condition of super-  
51 vision that may be imposed on such sentenced offender.

52 § 4. This act shall take effect immediately, except that sections one  
53 and three of this act shall take effect on the first of July next  
54 succeeding the date on which it shall have become a law.