

STATE OF NEW YORK

3692

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

Introduced by M. of A. JACOBSON, BRABENEC, WALSH -- 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 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 a child care
17 provider, a preschool, or any facility or institution where pre-kinder-
18 garten 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 offen-
22 der is a registered student or participant or an employee of such facil-
23 ity 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.