

STATE OF NEW YORK

4443

2025-2026 Regular Sessions

IN ASSEMBLY

February 4, 2025

Introduced by M. of A. O'PHARROW -- read once and referred to the
Committee on Correction

AN ACT to amend the correction law, the executive law, the mental
hygiene law, the penal law, and the social services law, in relation
to the residence of a sex offender

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

1 Section 1. Subdivision 4 of section 168-f of the correction law, as
2 amended by chapter 67 of the laws of 2008, is amended and two new subdi-
3 visions 4-a and 4-b are added to read as follows:

4 4. Any sex offender shall register with the division no later than ten
5 calendar days after any change of address, internet accounts with inter-
6 net access providers belonging to such offender, internet identifiers
7 that such offender uses, or [~~his or her~~] their status of enrollment,
8 attendance, employment or residence at any institution of higher educa-
9 tion. A fee of ten dollars, as authorized by subdivision eight of
10 section one hundred sixty-eight-b of this article, shall be submitted by
11 the sex offender each time such offender registers any change of address
12 or any change of [~~his or her~~] their status of enrollment, attendance,
13 employment or residence at any institution of higher education. Any
14 failure or omission to submit the required fee shall not affect the
15 acceptance by the division of the change of address or change of status.
16 Any failure or omission to register any change of address or any change
17 of their status of enrollment, attendance, employment or residence at
18 any institution of higher education shall result in sentence of impri-
19 sonment for up to one year, a fine of up to one thousand dollars, or
20 both.

21 4-a. A sex offender required to register under this article who has
22 been given the level three designation, where the victim of a register-
23 ing offense was under the age of eighteen at the time of such offense,
24 who has established a residence shall not change said residence so as to

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

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1 reside within the area defined as school grounds, as such term is
2 defined in subdivision fourteen of section 220.00 of the penal law, the
3 measurements to be taken in straight lines from the center of the near-
4 est entrance of the residence to the real property boundary line
5 comprising such school grounds.

6 4-b. A sex offender required to register under this article shall not
7 reside within a quarter mile from the workplace and residence of a
8 victim of such sex offender and, if such sex offender caused the death
9 of a victim, the sex offender shall not reside within a quarter mile
10 from the prior residence of the deceased victim, if the spouse, child,
11 step child, sibling, parent, grandparent or grandchild of the victim
12 continues to reside at such residence.

13 § 2. Section 203 of the correction law is amended by adding a new
14 subdivision 3 to read as follows:

15 3. Such guidelines and procedures promulgated by the commissioner in
16 accordance with subdivision one of this section shall prohibit the
17 placement of sex offenders designated level three, where the victim of
18 their offense was under the age of eighteen at the time of such offense,
19 from residing within the area defined as school grounds, as such term is
20 defined in subdivision fourteen of section 220.00 of the penal law, the
21 measurements to be taken in straight lines from the center of the near-
22 est entrance of the residence to the real property boundary line
23 comprising such school grounds.

24 Such guidelines and procedures shall also prohibit the placement of
25 sex offenders designated as level two or level three from residing with-
26 in a quarter mile from the workplace and residence of a victim of such
27 offender and, if such offender caused the death of a victim, the offen-
28 der shall not be placed within a quarter mile from the prior residence
29 of the deceased victim, if the spouse, child, step child, sibling,
30 parent, grandparent or grandchild of the victim continues to reside at
31 such residence.

32 § 3. Subdivision 4 of section 243 of the executive law, as added by
33 chapter 568 of the laws of 2008 and the opening paragraph as amended by
34 section 17 of part A of chapter 56 of the laws of 2010, is amended to
35 read as follows:

36 4. The office shall recommend to the commissioner rules and regu-
37 lations which shall include guidelines and procedures on the placement
38 of sex offenders designated as level two or level three offenders pursu-
39 ant to article six-C of the correction law, provided that such recom-
40 ended rules and regulations shall prohibit the placement of a sex
41 offender designated as a level three offender within the area defined as
42 school grounds, as such term is defined in subdivision fourteen of
43 section 220.00 of the penal law, the measurements to be taken in
44 straight lines from the center of the nearest entrance of the residence
45 to the real property boundary line comprising such school grounds.

46 Such recommended rules and regulations shall also prohibit the place-
47 ment of a sex offender designated as a level two or three from residing
48 within a quarter mile from the workplace and residence of a victim of
49 such offender and, if such offender caused the death of a victim, the
50 offender shall not be placed within a quarter mile from the prior resi-
51 dence of the deceased victim, if the spouse, child, step child, sibling,
52 parent, grandparent or grandchild of the victim continues to reside at
53 such residence. Such regulations shall instruct local probation depart-
54 ments to consider certain factors when investigating and approving the
55 residence of level two or level three sex offenders sentenced to a peri-
56 od of probation. Such factors shall include the following:

1 (a) the location of other sex offenders required to register under the
2 sex offender registration act, specifically whether there is a concen-
3 tration of registered sex offenders in a certain residential area or
4 municipality;

5 (b) the number of registered sex offenders residing at a particular
6 property;

7 (c) the proximity of entities with vulnerable populations;

8 (d) accessibility to family members, friends or other supportive
9 services, including but not limited to locally available sex offender
10 treatment programs with preference for placement of such individuals
11 into programs that have demonstrated effectiveness in reducing sex
12 offender recidivism and increasing public safety; and

13 (e) the availability of permanent, stable housing in order to reduce
14 the likelihood that such offenders will be transient.

15 § 4. Subdivision (a) of section 10.11 of the mental hygiene law, as
16 added by chapter 7 of the laws of 2007, paragraphs 1 and 2 as amended by
17 section 118-e of subpart B of part C of chapter 62 of the laws of 2011,
18 is amended to read as follows:

19 (a) (1) Before ordering the release of a person to a regimen of strict
20 and intensive supervision and treatment pursuant to this article, the
21 court shall order that the department of corrections and community
22 supervision recommend supervision requirements to the court. These
23 supervision requirements, which shall be developed in consultation with
24 the commissioner, shall include a prohibition against a sex offender
25 designated as a level three offender residing within the area defined as
26 school grounds, as such term is defined in subdivision fourteen of
27 section 220.00 of the penal law, the measurements to be taken in
28 straight lines from the center of the nearest entrance of the residence
29 to the real property boundary line comprising such school grounds, and
30 shall include a prohibition against a sex offender from residing within
31 a quarter mile from the workplace and residence of a victim of such sex
32 offender and, if such sex offender caused the death of a victim, the sex
33 offender shall not reside within a quarter mile from the prior residence
34 of the deceased victim, if the spouse, child, step child, sibling,
35 parent, grandparent or grandchild of the victim continues to reside at
36 such residence and may include but need not be limited to, electronic
37 monitoring or global positioning satellite tracking for an appropriate
38 period of time, polygraph monitoring, specification of residence or type
39 ~~of~~ of residence, prohibition of contact with identified past or poten-
40 tial victims, strict and intensive supervision by a parole officer, and
41 any other lawful and necessary conditions that may be imposed by a
42 court. In addition, after consultation with the psychiatrist, psychol-
43 ogist or other professional primarily treating the respondent, the
44 commissioner shall recommend a specific course of treatment. A copy of
45 the recommended requirements for supervision and treatment shall be
46 given to the attorney general and the respondent and ~~his or her~~ such
47 respondent's counsel a reasonable time before the court issues its writ-
48 ten order pursuant to this section.

49 (2) Before issuing its written order, the court shall afford the
50 parties an opportunity to be heard, and shall consider any additional
51 submissions by the respondent and the attorney general concerning the
52 proposed conditions of the regimen of strict and intensive supervision
53 and treatment. The court shall issue an order specifying the conditions
54 of the regimen of strict and intensive supervision and treatment, which
55 shall include a prohibition against a sex offender designated as a level
56 three offender residing within the area defined as school grounds, as

1 such term is defined in subdivision fourteen of section 220.00 of the
2 penal law, the measurements to be taken in straight lines from the
3 center of the nearest entrance of the residence to the real property
4 boundary line comprising such school grounds, a prohibition against a
5 sex offender from residing within a quarter mile from the workplace and
6 residence of a victim of such sex offender and, if such sex offender
7 caused the death of a victim, the sex offender shall not reside within a
8 quarter mile from the prior residence of the deceased victim, if the
9 spouse, child, step child, sibling, parent, grandparent or grandchild of
10 the victim continues to reside at such residence, specified supervision

11 requirements and compliance with a specified course of treatment. A
12 written statement of the conditions of the regimen of strict and inten-
13 sive supervision and treatment shall be given to the respondent and to
14 ~~[his or her]~~ such respondent's counsel, any designated service providers
15 or treating professionals, the commissioner, the attorney general and
16 the supervising parole officer. The court shall require the department
17 of corrections and community supervision to take appropriate actions to
18 implement the supervision plan and assure compliance with the conditions
19 of the regimen of strict and intensive supervision and treatment and to
20 investigate and approve the location of the respondent's residence and
21 place of employment. A regimen of strict and intensive supervision does
22 not toll the running of any form of supervision in criminal cases,
23 including but not limited to post-release supervision and parole.

24 § 5. Paragraph (a) of subdivision 4-a of section 65.10 of the penal
25 law, as amended by chapter 67 of the laws of 2008, is amended and two
26 new paragraphs (a-1) and (a-2) are added to read as follows:

27 (a) When imposing a sentence of probation or conditional discharge
28 upon a person convicted of an offense defined in article one hundred
29 thirty, two hundred thirty-five or two hundred sixty-three of this chap-
30 ter, or section 255.25, 255.26 or 255.27 of this chapter, and the victim
31 of such offense was under the age of eighteen at the time of such
32 offense or such person has been designated a level three sex offender
33 pursuant to subdivision six of section ~~[168-l]~~ one hundred sixty-eight-l
34 of the correction law, the court shall require, as a mandatory condition
35 of such sentence, that such sentenced offender shall refrain from know-
36 ingly entering into or upon any school grounds, as that term is defined
37 in subdivision fourteen of section 220.00 of this chapter, or any other
38 facility or institution primarily used for the care or treatment of
39 persons under the age of eighteen while one or more of such persons
40 under the age of eighteen are present, provided however, that when such
41 sentenced offender is a registered student or participant or an employee
42 of such facility or institution or entity contracting therewith or has a
43 family member enrolled in such facility or institution, such sentenced
44 offender may, with the written authorization of ~~[his or her]~~ their
45 probation officer or the court and the superintendent or chief adminis-
46 trator of such facility, institution or grounds, enter such facility,
47 institution or upon such grounds for the limited purposes authorized by
48 the probation officer or the court and superintendent or chief officer.
49 Nothing in this subdivision shall be construed as restricting any lawful
50 condition of supervision that may be imposed on such sentenced offender.

51 (a-1) When imposing a sentence of probation or conditional discharge
52 upon a person designated a level three sex offender, where the victim of
53 their offense was under the age of eighteen at the time of such offense,
54 the court shall require, as a mandatory condition of such sentence, that
55 such sentenced offender shall not reside within the area defined as
56 school grounds, as such term is defined in subdivision fourteen of

section 220.00 of this chapter, the measurements to be taken in straight lines from the center of the nearest entrance of the residence to the real property boundary line comprising such school grounds.

(a-2) When imposing a sentence of probation or conditional discharge upon a person convicted of a sex offense under article one hundred thirty of this chapter, the court shall require, as mandatory conditions of such sentence, that such sentenced offender be prohibited from residing within a quarter mile from the workplace and residence of a victim or victims of such sentenced offender and, if such sentenced offender caused the death of a victim the sentenced offender shall not reside within a quarter mile from the prior residence of the deceased victim, if the spouse, child, step child, sibling, parent, grandparent or grandchild of the victim continues to reside at such residence.

§ 6. Subdivision 8 of section 20 of the social services law, as amended by section 150 of subpart B of part C of chapter 62 of the laws of 2011, is amended to read as follows:

8. (a) The office of temporary and disability assistance shall promulgate rules and regulations for the administration of this subdivision. The rules and regulations shall provide for the conditions under which local social services officials determine the placement of applicants for and recipients of public assistance for whom a notice pursuant to section two hundred three of the correction law, has been received and who are:

(i) determined to be in immediate need of shelter; and
(ii) designated a level two or level three sex offender pursuant to article six-C of the correction law.

(b) When making determinations in regard to the placement of such individuals in shelter, local social services officials shall not place a level three offender within an area defined as school grounds, as such term is defined in subdivision fourteen of section 220.00 of the penal law, the measurements to be taken in straight lines from the center of the nearest entrance of the residence to the real property boundary line comprising such school grounds, and shall not place any offender within a quarter mile from the workplace and residence of a victim or victims of such offender and, if such offender caused the death of a victim the offender shall not be placed within a quarter mile from the prior residence of the deceased victim, if the spouse, child, step child, sibling, parent, grandparent or grandchild of the victim continues to reside at such residence and shall consider the following factors:

(i) the location of other sex offenders required to register pursuant to the sex offender registration act, specifically whether there is a concentration of registered sex offenders in a certain residential area or municipality;

(ii) the number of registered sex offenders residing at a particular property;

(iii) proximity of the entities with vulnerable populations;

(iv) accessibility to family members, friends or other supportive services, including but not limited to locally available sex offender treatment programs with preference for placement of such individuals into programs that have demonstrated effectiveness in reducing sex offender recidivism and increasing public safety; and

(v) investigation and approval of such placement by the department of corrections and community supervision.

§ 7. Local and/or state law enforcement agencies or their designee may monitor and verify sex offender registration compliance, and counties may enact, by local law or resolution, requirements for sex offen-

1 ders to provide information to law enforcement agencies or their desig-
2 nee, to verify their home and employment addresses which have been
3 registered pursuant to the provisions of the sex offender registration
4 act.

5 § 8. This act shall take effect on the first of November next succeed-
6 ing the date on which it shall have become a law.