

DRAFT LBDC

A BUDGET BILL submitted by the Governor
in accordance with Article VII of the Constitution

AN ACT to amend the social services law, the executive law, and the penal law, in relation to prohibiting sex offenders from being placed in shelters used by families with children and from entering within one thousand feet of a kindergarten or pre-kindergarten facility or institution (Part);

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

1 PART ____

2 Section 1. The social services law is amended by adding a new section
3 131-y to read as follows:

4 § 131-y. Placement of sex offenders. Notwithstanding any inconsistent
5 provision of law, neither the office of temporary and disability assist-
6 ance, nor a social services official acting on his or her own or as an
7 agent pursuant to this title, shall permit or cause the placement of any
8 sex offender who has been assigned a level-two or level-three desig-
9 nation pursuant to article six-C of the correction law into any tempo-
10 rary emergency housing or homeless shelters used to house families with
11 children.

12 § 2. Subdivision 14 of section 259-c of the executive law, as amended
13 by section 38-b of subpart A of part C of chapter 62 of the laws of
14 2011, is amended to read as follows:

15 14. [notwithstanding] Notwithstanding any other provision of law to
16 the contrary, where a person serving a sentence for an offense defined
17 in article one hundred thirty, one hundred thirty-five or two hundred

1 sixty-three of the penal law or section 255.25, 255.26 or 255.27 of the
2 penal law and the victim of such offense was under the age of eighteen
3 at the time of such offense or such person has been designated a level
4 three sex offender pursuant to subdivision six of section one hundred
5 sixty-eight-1 of the correction law, is released on parole or condi-
6 tionally released pursuant to subdivision one or two of this section,
7 the board shall require, as a mandatory condition of such release, that
8 such sentenced offender shall refrain from knowingly entering into or
9 upon any school grounds, as that term is defined in subdivision fourteen
10 of section 220.00 of the penal law, or any other facility or institution
11 primarily used for the care or treatment of persons under the age of
12 eighteen while one or more of such persons under the age of eighteen are
13 present[, provided however, that]. Moreover, where a person serving a
14 sentence for an offense defined in article one hundred thirty, one
15 hundred thirty-five or two hundred sixty-three of the penal law or
16 section 255.25, 255.26 or 255.27 of the penal law and the victim of such
17 offense was under the age of thirteen at the time of such offense, is
18 released on parole or conditionally released pursuant to subdivision one
19 or two of this section, the board shall further require, as a mandatory
20 condition of such release, that such sentenced offender shall refrain
21 from knowingly entering within one thousand feet of any facility or
22 institution where pre-kindergarten or kindergarten instruction is
23 provided. However, when such sentenced offender is a registered student
24 or participant or an employee of such facility or institution or entity
25 contracting therewith or has a family member enrolled in such facility
26 or institution, such sentenced offender may, with the written authori-
27 zation of his or her parole officer and the superintendent or chief
28 administrator of such facility, institution or grounds, enter such

1 facility, institution or upon such grounds for the limited purposes
2 authorized by the parole officer and superintendent or chief officer.
3 Nothing in this subdivision shall be construed as restricting any lawful
4 condition of supervision that may be imposed on such sentenced offender.

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

8 (a) When imposing a sentence of probation or conditional discharge
9 upon a person convicted of an offense defined in article one hundred
10 thirty, two hundred thirty-five or two hundred sixty-three of this chap-
11 ter, or section 255.25, 255.26 or 255.27 of this chapter, and the victim
12 of such offense was under the age of eighteen at the time of such
13 offense or such person has been designated a level three sex offender
14 pursuant to subdivision six of section [168-1] one hundred sixty-eight-1
15 of the correction law, the court shall require, as a mandatory condition
16 of such sentence, that such sentenced offender shall refrain from know-
17 ingly entering into or upon any school grounds, as that term is defined
18 in subdivision fourteen of section 220.00 of this chapter, or any other
19 facility or institution primarily used for the care or treatment of
20 persons under the age of eighteen while one or more of such persons
21 under the age of eighteen are present[, provided however, that]. More-
22 over, where a person serving a sentence for an offense defined in arti-
23 cle one hundred thirty, one hundred thirty-five or two hundred sixty-
24 three of this chapter or section 255.25, 255.26 or 255.27 of this
25 chapter and the victim of such offense was under the age of thirteen at
26 the time of such offense, is released on parole or conditionally
27 released pursuant to subdivision one or two of this section, the state
28 board of parole shall further require, as a mandatory condition of such

1 release, that such sentenced offender shall refrain from knowingly
2 entering within one thousand feet of any facility or institution where
3 pre-kindergarten or kindergarten instruction is provided. However, when
4 such sentenced offender is a registered student or participant or an
5 employee of such facility or institution or entity contracting therewith
6 or has a family member enrolled in such facility or institution, such
7 sentenced offender may, with the written authorization of his or her
8 probation officer or the court and the superintendent or chief adminis-
9 trator of such facility, institution or grounds, enter such facility,
10 institution or upon such grounds for the limited purposes authorized by
11 the probation officer or the court and superintendent or chief officer.
12 Nothing in this subdivision shall be construed as restricting any lawful
13 condition of supervision that may be imposed on such sentenced offender.

14 § 4. The executive law is amended by adding a new section 259-f to
15 read as follows:

16 § 259-f. Quarterly reports of schools. 1. On a quarterly basis, the
17 commissioner of education shall provide to the commissioner an updated
18 list of every elementary school and secondary school in the state and of
19 every other facility or institution where pre-kindergarten or kindergar-
20 ten instruction is provided.

21 2. The commissioner shall distribute the information received pursuant
22 to subdivision one of this section to the board and to the director of
23 probation and correctional alternatives.

24 3. On or before February first each year, the commissioner shall noti-
25 fy the governor, the temporary president of the senate, the speaker of
26 the assembly, the minority leader of the senate, and the minority leader
27 of the assembly on the compliance with this section.

1 § 5. This act shall take effect on the first of July next succeeding
2 the date on which it shall have become a law.