



2018 New York State YMCA
Youth And Government

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FOR YOUTH DEVELOPMENT®
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

Committee Assignment: Assembly Liberty 4

Bill #: AL-24

1 **Sponsors:** Laura Haight, Emma Koster, Lauren Schlote, Matthew Roberson

2

3 **An Act To**

4 Foster safe environments for children, by amending Article 65.10, subsection 4 of
5 Penal Law to include the prohibition of Level 2 and 3 sex offenders from entering
6 into or upon school grounds or facilities serving persons under the age of 18, no
7 matter their probationary or parental/guardian status.

8

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

10

11 **Purpose**

12 To ensure the safety and well-being of children on school grounds, and other
13 childcare facilities, by preventing the entry of individuals who have been legally
14 deemed moderate and high risks to their community due to prior sexually predatory
15 behavior. The amendment additionally seeks to implement consequences for
16 inexcusable conduct, particularly in regard to vulnerable populations.

17

18 **Summary of Provisions**

19 **Section 1: Definitions**

20 1. "School grounds" means (a) in or on or within any building,
21 structure, athletic playing field, playground or land contained within
22 the real property boundary line of a public or private elementary,
23 parochial, intermediate, junior high, vocational, or high school, or (b)
24 any area accessible to the public located within one thousand feet of
25 the real property boundary line comprising any such school or any parked
26 automobile or other parked vehicle located within one thousand feet of
27 the real property boundary line comprising any such school. For the
28 purposes of this section an "area accessible to the public" shall mean
29 sidewalks, streets, parking lots, parks, playgrounds, stores and
30 restaurants.

31 2. "Sex offender"

32 a. If the risk of repeat offense is low, a level one designation
33 shall be given to such sex offender.

34 b. If the risk of repeat offense is moderate, a level two designation
35 shall be given to such sex offender.



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36 c. If the risk of repeat offense is high and there exists a threat to
37 the public safety a level three designation shall be given to such sex
38 offender.

39 Section 2

40 a. 4-a. Mandatory conditions for sex offenders. (a) When imposing a
41 sentence of probation or conditional discharge upon a person convicted of an
42 offense defined in article one hundred thirty, two hundred thirty-five or two
43 hundred sixty-three of this chapter, or section 255.25 , 255.26 or 255.27 of
44 this chapter, and the victim of such offense was under the age of eighteen at
45 the time of such offense or such person has been designated a level two or
46 three sex offender pursuant to subdivision six of section 168-1 of the
47 correction law , the court shall require, as a mandatory condition of such
48 sentence, that such sentenced offender shall refrain from knowingly entering
49 into or upon any school grounds, as that term is defined in subdivision
50 fourteen of section 220.00 of this chapter, or any other facility or institution
51 primarily used for the care or treatment of persons under the age of eighteen
52 while one or more of such persons under the age of eighteen are present,
53 ~~provided however, that when such sentenced offender is a registered student~~
54 ~~or participant or an employee of such facility or institution or entity~~
55 ~~contracting therewith or has a family member enrolled in such facility or~~
56 ~~institution, such sentenced offender may, with the written authorization of~~
57 ~~his or her probation officer or the court and the superintendent or chief~~
58 ~~administrator of such facility, institution or grounds, enter such facility,~~
59 ~~institution or upon such grounds for the limited purposes authorized by the~~
60 ~~probation officer or the court and superintendent or chief officer.~~ Nothing in
61 this subdivision shall be construed as restricting any lawful condition of
62 supervision that may be imposed on such sentenced offender.

63 Justification

64 Individuals who have been legally designated as Level 2 and 3 sex offenders at
65 times must register in the sex offender database for life, as their prior crimes
66 demonstrated a severe degree of sexual predation and/or violence. The New York
67 State judicial system, in some manner has concluded that these individuals pose
68 "moderate" or "high" risks to their communities, meaning that there is a high
69 likelihood of their becoming (if not already), predicated offenders. And although the
70 criminal justice system should encourage rehabilitation, this rehabilitation should
71 not infringe upon the security of communities, nor the welfare of children.
72 Particularly considering the predatory nature of Level 2 offenders, oft-defined as



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73 individuals who've manipulated a position of power to prey upon those in
74 intrinsically subjugated positions; their presence in educational and child care
75 environments provides a direct outlet for the continuation of such behavior.

76

77 **Fiscal Implications**

78 Fiscal Implications include the cost to amend any publications of this bill,
79 including but not limited to school codes, government websites, and printed law
80 books. They may also include mailing notices and/or alerting parole officers and
81 other affected peoples of authority of this change in privilege. It may also include
82 the alteration of the access to education if said offender is enrolled in high school,
83 including but not limited to access to a government computer for online courses.

84

85 **Effective Date**

86 This bill will go into effect one year after passage.