



NEW YORK STATE SENATOR

Rich Funke

Funke: To Protect Kids, Communities Should Be Able to Set Sex Offender Restrictions

RICH FUNKE February 23, 2015

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Senator co-sponsors bill empowering localities to establish residency restrictions for registered sex offenders; Legislation addresses impact of recent Appeals Court ruling

Advocating for more local control to better protect children, Senator **Rich Funke** today **announced** the introduction of S.3925, a bill granting municipalities the authority to establish residency restrictions for sex offenders. **Funke** was joined at the announcement by **Tony LaFountain**, Supervisor of the Town of Penfield, where plans to enact the Penfield Child

Safety Act were recently thrown in flux by a court decision limiting a locality's ability to set such restrictions.

"No two kids are the same, no two communities are the same, and that means that no two solutions to keep our children safe will be the same. Local communities need local control to set restrictions that make sense for their neighborhoods and families," said **Funke**. *"I am proud to be cosponsoring legislation that empowers communities to establish their own laws for sex offender residency and I look forward to working with my Senate colleagues to pass it as soon as possible."*

On February 17, 2015 the New York State Court of Appeals ruled in *People v. Diack*, overturning a Nassau County law that prohibited all registered sex offenders from residing within 1000 feet of a school. In its ruling, the Court reasoned that the County's local law was preempted by State law. The decision immediately called into question sex offender residency restrictions on the books in municipalities across the State, including the proposed local law in Penfield.

The Penfield Child Safety Act includes a restriction to prohibit the residency of registered Level Two and Level Three sex offenders within designated Child Safe Zones, or 2,000 feet from any schools, parks, playgrounds, Town facilities, or daycare centers. The legislation was proposed, in part, due to the discovery that a Level Three sex offender had recently established residency less than 200 feet from Penfield's Veterans Memorial Park, home to the Town's Little League fields.

"When our Town Board received notice that a level 3 sex offender was living just a few hundred feet from one of our most attractive parks, we knew we needed to look for a better way to protect our youngest residents, our children," said **LaFountain**. *"The State legislation lacked appropriate protection and did not adequately address someone living next to our many parks, playgrounds and town facilities. Penfield is fortunate to have Senator Funke fighting for our children and their families by introducing legislation to clarify the current State law and to allow local communities to set residency restrictions."*

Co-sponsored by Senator **Funke**, Senator Venditto (R-C-I, Massapequa), and Senator Terrence Murphy (R-C-I, Yorktown), S.3925 includes two sections: The first clarifies the Legislature's intent to allow municipalities to enact local laws regarding where registered sex offenders may reside and the second explicitly authorizes municipalities to impose such restrictions.