



NEW YORK STATE SENATOR

John J. Flanagan

Senator Flanagan Fighting To Keep Children Safe From Sex Offenders

JOHN J. FLANAGAN February 25, 2015

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Senator John Flanagan (2nd Senate District) joined his colleagues in the New York State Senate Coalition this week to unveil an alarming joint-investigative report, *“Keeping Our Children Safe From Sex Offenders”*. The report uncovered startling violations of residency restrictions and a major loophole in the law.

The joint-investigation uncovered convicted pedophiles violating state law by living within 1,000 feet of grade schools with Pre-K programs and brought to light over a dozen sex

offenders residing within 1,000 feet of stand-alone Universal Pre-K programs not attached to grade schools - which are currently unprotected by state law.

The [joint-investigative report](#) comes on the heels of a devastating New York State Court of Appeals ruling relating to Nassau County. In that case, the New York State Court of Appeals sided with a sex offender who completed his parole and moved within 500-feet of a Nassau school, in compliance with state law, but in violation of a local residency restriction. The court ruled that only the state, not a locality, is authorized to create residency restrictions for sex offenders.

As a result, the New York State Senate Coalition will immediately act on key sex offender legislation to help alleviate the concern parents face and to ensure that New York State law protects our youngest and most vulnerable New Yorkers. Most importantly, the legislative package will close a major loophole in the law and allow localities to strengthen residency restrictions.

“While the court’s decision should be fully respected, it is vital that we react in a way that protects the children of our state. We must strengthen the laws so that parents and law enforcement personnel know that they have partners in their fight to protect our most vulnerable residents. This package of legislation, along with other bills the Senate has already passed, will do just that and I urge the Assembly to join us in this effort,” stated Senator Flanagan.

The package of legislation that the New York State Senate Coalition has committed to passing includes the following:

- [S3925](#) would allow localities to fortify sex offender restrictions in ways that are no less restrictive than state laws.
- [S22](#) would require school districts to distribute information about a sex offender’s residence upon notification from law enforcement.

- [S1520](#) would close the loophole on the legal definition of a school to include Pre-K and Kindergarten.
- [S712](#) would require risk assessment hearings before a sexual predator is released into a community.

This package of legislation continues the effort that the New York State Senate Coalition renewed earlier this session to protect children from sex offenders, which is now awaiting passage by the New York State Assembly. The approved legislation included a bill that Senator Flanagan sponsored ([S2084](#)) that would prohibit a sexually violent or Level 3 sex offender who committed a crime against a child from being granted custody and unsupervised visitation with a child.

Senator Flanagan said, “Many times, the children of sex offenders are at greatest risk for abuse and we must provide them with any and all protections to help keep them safe from harm. While parental rights are important, the safety of any children involved must be the most important factor in any custody decision. Altering the permissible contact that a sex offender is able to have with children, including their own, can potentially save numerous children from emotional, physical and sexual harm.”

In addition to Senator Flanagan’s legislation, the Senate package included the following:

- [S851](#) would prohibit Level 2 and 3 sex offenders from being placed in temporary and emergency housing or homeless shelters where children are present.
- [S869](#) would make it a crime for anyone to knowingly harbor, house, or employ a sex offender who has failed to register or verify residence or employment and fails to contact their local law enforcement agency.
- [S1608](#) would require reporting of multiple residences when a sex offender is living somewhere part-time. Under current law, offenders are only required to register their

primary residence with the Division of Criminal Justice Services. The bill also requires the Division to develop a notification system to report offenders who have multiple residences.

- [S396](#) would require the commissioner of the Office for People with Developmental Disabilities to contact local officials and school superintendents when a sex offender is transferred to a community program or residence within their municipality.
- [S833](#) would prohibit Level 3 sex offenders from living in student housing on college campuses and makes it a class A misdemeanor upon conviction of a first offense, and a class D felony upon conviction for a second or subsequent offense.
- [S845](#) would establish a sex offender public awareness outreach program. This program would provide educational outreach to schools, community groups, and clergy on issues related to sex offenders.

The remaining parts of the Senate package should be voted on later this week.