



NEW YORK STATE SENATOR

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## Senate Coalition Announces Passage of Bills to Close Dangerous Loopholes in Sex Offender Laws

DEAN G. SKELOS February 26, 2015



Legislation Will Eliminate Gaps in Laws Created by a Recent State Court Ruling and Help Create Safer Communities

The New York State Senate today passed nine bills to close dangerous loopholes in the laws protecting children and communities from sexual predators. The measures would address critical issues raised by a recent Court of Appeals ruling that prevents local governments

from enacting laws restricting sex offenders, as well as the safety concerns highlighted in a recent Senate Coalition joint investigation and report. In “Keeping Our Children Safe From Sex Offenders,” the Senate Coalition uncovered numerous instances of convicted pedophiles living within 1,000 feet of grade schools with pre-kindergarten programs or stand-alone Universal Pre-K programs.

The legislation passed today would: provide municipalities with the ability to enact local laws that strengthen sex offender restrictions; close loopholes that allow sex offenders to reside close to pre-K and kindergarten programs; prevent sex offenders from living close to elementary or high schools; decrease the potential time a sex offender could be released into the community before risk levels are determined; increase public disclosure about the residencies and workplaces of sex offenders; and prohibit registered sex offenders from living close to their victims or from entering child care facilities.

Senate Majority Leader and Coalition Co-Leader Dean Skelos, who was the author of Megan’s Law, said, “New York needs to take additional steps to address court rulings and loopholes that are reducing the effectiveness of Megan’s Law and other measures to protect our children from sexual predators. Many of these bills have been passed repeatedly by the Senate, which continues to lead on this issue, and I urge the Governor and the Assembly to join us in enacting all of the measures we passed today to keep our children and communities safe.”

Senate Independent Democratic Conference Leader and Coalition Co-Leader Jeff Klein said, “Today the Senate sent a message that dangerous sexual predators do not belong anywhere near schools, including pre-schools. I discovered this alarming loophole in the law last year and currently, in New York City a dozen pedophiles reside within 1,000 feet of our youngest students. I urge my colleagues in the Assembly to swiftly act on this and protect our children.”

The joint report conducted by the Independent Democratic Conference and Senate Republican Majority came on the heels of a devastating New York State Court of Appeals ruling which sided with a sex offender who completed his parole and moved within 500 feet of a Nassau County school. While his move was in compliance with state law, it was against local law, and the court ruled that only the state is authorized to create residency restrictions for sex offenders. Since the creation of the sex offender registry, many municipalities across the state have chosen to enact laws similar to the one in Nassau County that was overturned and their local authority is now jeopardized.

Bill S3925 sponsored by Senator Michael Venditto (R-C-I, Massapequa) and co-sponsored by Senator Rich Funke (R-C-I, Fairport) would address the Court of Appeals ruling by enabling municipalities to respond to the needs of their community and create local laws relating to sex offenders. Communities would be able to put additional restrictions in place so long as they are not less restrictive than state laws.

Senator Venditto said, “As a former Nassau County Legislator, a current State Senator and a father, I know this bill is very important to protecting our children and our families from dangerous sexual predators. Together, as a state, we must take swift and smart legislative action to protect all children, our next generation of New Yorkers, from sexual predators. This legislation will allow localities around the state to take into consideration local conditions and needs to protect families to provide our children with the opportunity to have a healthy, happy, and innocent childhood.”

Senator Funke said, “I thank my colleagues on both sides of the aisle for working quickly to give all communities, and especially the Town of Penfield in the 55th District, the ability to set restrictions that make sense for local families. The next step is passing this bill into law as soon as possible, so I’m asking our community and all New Yorkers to join me in calling on the Assembly and Governor to take swift action to better protect our kids.”

Bill S1520 sponsored by Senator Klein (D, Bronx/Westchester) addresses concerns raised by the Coalition’s joint investigation by prohibiting certain convicted sex offenders from knowingly being within 1,000 feet of any place where pre-kindergarten or kindergarten instruction is provided. The measure also requires the state Department of Corrections and Community Supervision to receive regular updates of all elementary and secondary school locations to ensure residency restrictions for Level 2 and 3 sex offenders are being followed.

Bill S22 sponsored by Senator Kenneth LaValle (R-C-I, Port Jefferson) requires schools to distribute information about Level 2 and 3 sex offenders living in a school district to parents

of the students. This would give parents an extra assurance that each household has the valuable information that could protect their children from dangerous predators.

Senator LaValle said, “My legislation expands upon the sexual offender disclosure requirements of Megan’s Law. While the sexual offender’s information is currently available to the public, many parents are unaware of it. The bill would require school districts to distribute the information to the parents of its students, and provide reimbursement to the district for the related costs. It’s important to provide an extra amount of assurance that every family has the information to protect their children.”

Bill S712 sponsored by Senator Tony Avella (D, Bayside) reduces the amount of time it takes to make a risk level determination for convicted sex offenders so that they are not placed on probation, discharged, or otherwise released into the community without the necessary protections and registration requirements in place.

Senator Avella said, “The Senate Coalition Report released on Sunday was alarming. It is simply unacceptable for known sex offenders to continue to present a danger to our community. In response to this disturbing report, I am proud that the Senate Coalition and my Senate colleagues acted swiftly in passing this important series of bills. The current requirements for conducting risk assessments of convicted sex offenders must be improved, and I urge the Assembly to ensure that this piece of legislation lands on Governor Cuomo’s desk this year.”

Bill S2269 sponsored by Senator Martin Golden (R-C-I, Brooklyn) prevents convicted Level 1, 2, or 3 sex offenders from residing within 1,000 feet of a building used exclusively as an elementary or high school.

Senator Golden said, “When talking about the safety and security of the children of New York, we cannot waste a minute in passing this vital piece of legislation. While I strongly disagree with the court’s ruling and the short-term ramifications it has across our great state, it emphasizes the need to pass our legislation and keep registered sex offenders away from our schools. I urge my colleagues to pass this bill as soon as possible and the Governor to sign it.”

Bill S2950 sponsored by Senator Terrence Murphy (R-C-I, Yorktown) prohibits a Level 2 or 3 sex offender from residing within 1,500 feet of their victim’s residence. In Putnam County, a Level 3 sex offender was released from prison in 2011 and allowed to live next door to one of his victims, which caused significant emotional distress.

Senator Murphy said, “While child safety zones may create a sense of security, many sexual assaults against children are perpetrated by someone the victim knows. Victims should not have to tolerate the emotional distress that coming into contact with their abuser may cause and my bill is the critical part of the Senate’s efforts to protect our kids.”

Bill S2981 sponsored by Senator Robert Ortt (R, North Tonawanda) fixes a loophole that allows sex offenders to spend significant amounts of time at a residence other than the primary one registered with the state. This measure amends the definition of a residence and requires offenders to comply with registration requirements to include any location at which the offender spends more than two days a week.

Senator Ortt said, "Keeping our communities safe is a key priority for me and for my Senate Republican colleagues. Shockingly, sex offenders have been able to skirt residency laws and essentially live within school zones or next to the victims of their crimes. This legislation will close loopholes in current law and ultimately protect our children and communities."

Bill S3811 sponsored by Senator Andrew Lanza (R-I-C, Staten Island) increases the information available to the public when a convicted sex offender is in contact with the community. Level 2 and 3 sex offenders would be required to disclose their employment in addition to their residence on the state's registry.

Senator Lanza said, "Expanding New York's Sex Offender Registry to include the zip code of a registrant's employment will help ensure that we are providing the most accurate and up-to-date information on offenders living in the state. This important expansion is designed to make the Registry an even better resource for law enforcement agencies to monitor their communities. These are necessary additions that will help keep our neighborhoods safe and better protect our children."

Bill S3926 sponsored by Senator James Seward (R-C-I, Oneonta) protects young children and their caretakers by prohibiting Level 3 sex offenders from entering child care facilities as a

condition of their sentencing.

Senator Seward said, "We must do all we can to safeguard children and victims from sexual offenders and this comprehensive Senate package will help accomplish that goal. My bill, which closes a loophole in current law, will make sure that children at daycare facilities are not in the crosshairs of sexual predators, providing a needed layer of protection and giving parents added peace of mind."

The bills have been sent to the Assembly.

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