



NEW YORK STATE SENATOR

John A. DeFrancisco

New York State Senate Approves Measures to Protect Our Children From Sex Offenders

JOHN A. DEFRANCISCO February 26, 2015

| ISSUE: **CRIME**

The State Senate voted today today in support of legislation designed to keep children safe from dangerous sex offenders.

Specifically, these bills would:

- Allow localities to fortify sex offender restrictions in ways that are no less restrictive than state laws;
- Close the loophole on the legal definition of a school to include Pre-K and Kindergarten;
- Hold risk assessment hearings before a sexual predator is released into a community;
- Prevent 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;
- Prohibit a Level 2 or 3 sex offender from residing within 1,500 feet of their victim's residence;
- Fix a loophole that allows sex offenders to spend significant amounts of time at a residence other than the primary one registered with the state;

- Increase the information available to the public when a convicted sex offender is in contact with the community; and
- Prohibit Level 3 sex offenders from entering child care facilities as a condition of their sentencing.

Today's action comes on the heels of an important new Senate investigative report, "Keeping Our Children Safe From Sex Offenders," that recently uncovered startling violations of residency restrictions and a major loophole in New York State law. The investigation found convicted pedophiles violating state law by living within 1,000 feet of grade schools with Pre-K programs. In addition, over a dozen sex offenders are residing within 1,000 feet of stand-alone Universal Pre-K programs not attached to grade schools -- currently unprotected by state law.

These revelations follow a recent New York State Court of Appeals ruling that sided with a sex offender who completed his parole and moved within 500-feet of a Nassau County school, in compliance with state law, but against local law. The court ruled that only the state, not a locality, is authorized to create residency restrictions for sex offenders.

To access the full Senate report, please click on the pdf file below.