



NEW YORK STATE SENATOR

John J. Flanagan

Senator Flanagan Announces Senate Passage Of Legislation Protecting Children From Sex Offenders

JOHN J. FLANAGAN February 26, 2015

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Senator John Flanagan (2nd Senate District) joined with his colleagues in the New York State Senate today to take quick action on nine bills that would close dangerous loopholes in the laws protecting children and communities from sexual predators. The measures, which have been sent to the Assembly for further action, 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 the “[Keeping Our Children Safe From Sex Offenders](#)” report, 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 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. 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.

“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 legislative package contained seven bills which Senator Flanagan co-sponsored:

- [S1520](#) 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.

- [S712](#) 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.
- [S2269](#) 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.
- [S2950](#) prohibits a Level 2 or 3 sex offender from residing within 1,500 feet of their victim's residence.
- [S2981](#) 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.
- [S3926](#) protects young children and their caretakers by prohibiting Level 3 sex offenders from entering child care facilities as a condition of their sentencing.
- [S3925](#), which was also sponsored by Senator Michael Venditto (8th Senate District), 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.”

Additionally, Senator Flanagan voted in favor of two pieces of legislation which would help assist families in their efforts to protect their children:

- [S22](#) 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.
- [S3811](#) 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.

[RELATED: Senator Flanagan Supports Tougher Penalties For Sex Offenders \(February 10, 2015\)](#)