



NEW YORK STATE SENATOR

Tony Avella

Queens Chronicle: Sex offenders living near UPK

TONY AVELLA February 25, 2015

An investigation by the Independent Democratic Conference has found that registered sex offenders are legally allowed to live near universal prekindergarten programs, because they are not recognized as schools by the state.

“Right now a dozen predators live near stand-alone programs in compliance with state law — including one man who had sexual contact with a four-year old girl,” state Sen. Jeff Klein (D-Bronx, Westchester) said in a press release. “It’s our duty to protect all children from pedophiles in the spirit of the law and we must immediately close this loophole.”

Registered sex offenders who are under parole or probation are prohibited by the state from living near a school or a facility that cares for children. But the state does not consider the UPK programs, a cornerstone of Mayor de Blasio’s 2013 campaign, to be schools.

Klein’s citywide investigation found five sex offenders living near public schools with a UPK program and 12 who live near a stand-alone program.

In Queens, one sex offender was found to be living near Wave Preparatory Elementary School in Far Rockaway, which has a UPK program. The investigation also found two sex offenders living near stand-alone UPK programs — one near JC Daywatch Daycare in Ridgewood and one near St. Joseph’s Episcopal Church in Queens Village.

Klein spearheaded an investigation into sex offenders living near pre-K programs after finding out about one who had moved near a school in Brooklyn. Klein had attempted to close the loophole last year.

A bill to have stand-alone UPK programs be considered schools introduced by Klein passed the Senate but failed to pass the Assembly. The senator is seeking to reintroduce the legislation in the Senate this week.

Assemblyman Luis Sepulveda (D-Bronx) is sponsoring the companion bill.

“Allowing convicted sex offenders to live near our pre-schools and kindergartens flies in the face of the intent of the law,” state Sen. Tony Avella (D-Bayside) said. “I applaud Senator Klein in spearheading this initiative, and I am committed to working to keep our children and our streets safe.”

The introduction will be paired with several other proposed laws, including one from Avella that would require risk assessments be held before a “sexual predator is released into a community.” State Sen. Ken LaValle (R-Suffolk) is also seeking to require school districts to “distribute information about a sex offender’s residence upon notification from law enforcement.”

Klein’s report was issued five days after the state Court of Appeals overturned a Nassau County law that barred a sex offender who had completed his parole from living within 500 feet of a school. The court ruled that only the state, and not a municipality, could place restrictions on where registered sex offenders may live.

The senator’s report comes two weeks after he released a similar one on sex offenders living near family homeless shelters.

A Department of Education spokeswoman said of Klein’s proposal, “We’ll review the legislation. We have no higher priority than protecting the children in our care and take exhaustive measures to ensure our pre-K programs and providers meet the highest standards.”