



NEW YORK STATE SENATOR

Tony Avella

The Legislative Gazette: Senate report finds sex offenders living close to preschools, spurs new legislation

TONY AVELLA March 1, 2015

The Senate Majority and a group of breakaway Democrats released a report last week that found a number of residency restriction violations by sex offenders in New York City and what they call a gaping loophole in the laws determining where sex offenders may live.

The report was released on the heels of a New York Court of Appeals decision which struck down more than 130 local Nassau County laws restricting the residency of sex offenders. The Court of Appeals ruled unanimously that only the state could restrict the residency of sex offenders, and only if they are on parole or supervised release.

"As the author of Megan's Law, I recognize that the recent Court of Appeals decision is a clarion call for New York to take whatever steps are necessary to protect our children from dangerous sexual predators," said Senate Republican Leader Dean Skelos, R-Rockville Center.

The report focuses on sex offenders in the five boroughs who live within 1,000 feet of a preschool. When the preschools are attached to or affiliated with a grade school, sex offenders are restricted by state law from living within 1,000 feet, but the report found at least five sex offenders violating that law in the city

"Time and time again, I find dangerous sexual predators convicted of committing heinous crimes against children living far too close to schools in violation of state law," said Sen. Jeff Klein, D-Bronx, leader of the Independent Democratic Conference. "This is absolutely unacceptable."

The report also found 12 sex offenders living within 1,000 feet of preschools not protected under state law.

"But even more shocking is that the legal definition of 'school' does not necessarily include pre-K and kindergarten programs. Right now over 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," Klein said. "It's our duty to protect all children from pedophiles in the spirit of the law and we must immediately close this loophole."

Klein sponsors a bill (S.1520/A.5165) passed in the Senate last week that would prohibit a sex offender whose victim was a child, or any level-three sex offender, from knowingly coming within 1,000 feet of a preschool. The Assembly version is sponsored by Luis Sepulveda, D-Bronx. The report cited five sex offenders in the Bronx living legally or illegally within 1,000 feet of a preschool.

"The report issued by the Senate clearly indicates more can be and needs to be done to protect our children from potential danger," said New York State Association of Counties Executive Director Stephen Acquario. "Counties should be further empowered to enact local laws in the best interests of their citizens. I commend Senators Skelos and Klein for leading the effort to raise awareness about these issues and providing important information to the public."

The Senate also passed a bill (S.3925) that would allow localities to fortify sex offender residency restrictions is sponsored by Sen. Michael Venditto, a Republican from Massapequa, Nassau County.

"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," said Republican Sen. Martin Golden of Brooklyn, who supports Venditto's bill.

According to the report, in Brooklyn alone, seven sex offenders live within 1,000 feet of preschool programs, both legally or illegally.

"The loophole revealed in this report is disturbing. Allowing convicted sex offenders to live near our preschools and kindergartens flies in the face of the intent of the law," said Sen. Tony Avella, D-Queens. "That is why I introduced a bill to ensure that sex offenders are properly assessed before being released into our communities. I look forward to working with my Senate colleagues to pass these necessary resolutions."

Avella's bill (S.712), also passed last week, would require a risk assessment hearing be held before a sex offender is released into the community. The report found that in Queens, three sex offenders live within 1,000 feet of a preschool program.

In Staten Island the report found at least one sex offender illegally residing within 1,000 feet of a preschool program.

"It's an outrage that we continue to find sex offenders practically living in the backyards of schools despite a statewide sex offender registry in place. It's also inconceivable that the law banning predators from living within 1,000-feet of schools wouldn't apply to our youngest students and we need to correct that immediately," said Senator Diane Savino, D-Staten Island.

The Assembly also reacted to the Court of Appeals decision through legislation. A bill (A.3134), sponsored by Republican Assemblywoman from Clarence in Erie County, Jane Corwin, would create permanent restrictions prohibiting sex offenders from living within 1,000 ft. of school grounds, childcare facilities and parks.

"There is nothing more important to a parent than the well-being and safety of their child," said Assemblyman David Di Pietro, R-East Aurora, who signed on to the legislation which was introduced Feb. 22. "This legislation will ensure that necessary precautions are taken when sex offenders re-enter society. I know parents will sleep easier knowing this law is in place."