



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo Votes for New Protections From Sex Offenders

CHARLES J. FUSCHILLO JR. June 20, 2011

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Senator Charles J. Fuschillo, Jr. (R-Merrick) recently voted in favor of legislation which will better protect children and adults from sex offenders.

The legislation, which was passed by the Senate, would raise penalties for offenders who don't comply with reporting requirements, protect children from sex offenders, and expand the number of individuals required to register for the sex offender registry.

"Megan's Law exists so that families can be informed about sex offenders living in their community. Ensuring that parents have access to that information, while also creating stronger reporting requirements for sex offenders and keeping them away from schools, will help keep our children safe," said Senator Fuschillo.

Specifically, the legislation would:

- * Raise penalties for child predators (S356): The proposed law would require anyone convicted of a sex offense against a child 10 years old or younger to automatically register as a level 3 sex offender. Level 3 offenders are required to remain on the state's sex offender for life.

- * Strengthen penalties for high risk sex offenders who evade Megan's Law registration requirements (S1542 and S1544): These bills would increase penalties and make it a felony for level 3 sex offenders, the highest risk level offenders, who fail to register or report a change of address. Currently, sex offenders who fail to register or report address changes face only a misdemeanor for a first offense. The penalty does not reach a felony level until a second or subsequent offense. Level 3 sex offenders would face a felony for a first offense and would face a higher level felony charge for subsequent offenses under the proposed law.

- * Prohibit sex offenders from living near schools (S4026): Under the legislation, all convicted sex offenders would be prohibited from residing within 500 feet of elementary, middle, and high schools. While a number of local governments enacted their own laws prohibiting sex offenders from living near schools, there is currently no statewide law.

- * Inform parents about sex offenders living in their neighborhood (S1449B): This legislation would require school districts to distribute sex offender information they receive from law enforcement to students' parents. School districts would be reimbursed for the costs of distributing the information.

- * Require registration of mentally ill sex offenders (S2593): The legislation seeks to prevent individuals from avoiding sex offender registration requirement by claiming they have a mental defect or disease. Under the legislation, sex offenders who enter a plea or are found "not responsible by reason of mental disease or defect" would be required to register for the sex offender registry. Additionally, sex offenders who are in a mental health facility would be prohibited from being discharged from that facility until they have completed their sex offender registration requirements. The legislation requires that mental

health staff receive information about sex offenders in their facilities for their own protection.

The New York State Department of Criminal Justice Services states that there are over 32,000 registered sex offenders currently living in New York State. According to Parents for Megan's Law, the typical pedophile commits an average of 280 sex crimes during their lifetime.

All of the legislation has been sent to the Assembly for consideration.

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