



NEW YORK STATE SENATOR

Tony Avella

Senate Passes Avella Sexual Predator Bill

[Tony Avella](#)

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- [Crime](#)



This time, allowing the Assembly plenty of time to pass the bill prior to end of session

(ALBANY, NEW YORK) Senator Tony Avella announced today that the Senate, once again, voted 60-0 in favor of his legislation (S.323) that would speed up the risk level determination timetable for convicted sex offenders and ensure that they are officially categorized under the State's Sex Offender Registration Act prior to their sentencing or release from incarceration.

The bill would amend the current law which states that risk level determination hearings for sex offenders shall take place "at least forty-five days after" notice of

the hearing that is provided upon sentencing. This practice allows some convicted sex offenders to visit schools and playground for over a month prior to being assigned to a database upon their release.

Senator Avella's bill requires that notice of a risk level determination hearing for convicted sex offenders be given to the sex offender and district attorney within **five days** of the conviction for any sex offender who is expected to be released on probation or otherwise discharged. The risk level determination hearing must then be held within 20 days of the notice and most importantly, prior to sentencing.

The Senate passed Avella's bill several times in the past. Unfortunately, the Assembly failed to act each time. However, the fact that the legislation was passed so early on will give the Assembly plenty of opportunity to follow suit.

"It has been frustrating in the past to have my colleagues in the State Senate pass this legislation at the very end of session, leaving the Assembly no time in passing the "same as" bill," stated Senator Avella. "But passing this important legislation yesterday was very good news. Now the Assembly will have plenty of time to vote on the bill and send it to the Governor for a signature before the legislative session breaks for recess at the end of June. There is no reason that known sex offenders should be residing in our neighborhoods without the community knowing the danger they present."

The legislation was designed by Avella after extensive review of the current sex offender laws following the arrest of Joseph Denice, a convicted Level I sex offender who was convicted of Sex Abuse in the 2nd Degree in 2010. He was arrested again in January 2011 following additional crimes he committed and probation violations arising from his volunteering in area Catholic schools including St. Mel's School in Whitestone.

Assembly Member Michael Miller (D-Woodhaven) is carrying the bill in the Assembly.