



NEW YORK STATE SENATOR

Andrew J. Lanza

State Senate Coalition releases bombshell report on dangerous NYC sex offenders living near Universal Pre-Kindergarten and Kindergarten programs

Andrew J Lanza

February 24, 2015



After devastating New York State Court of Appeals ruling in Nassau, State Senate Coalition will act on a series of bills to strengthen protections for children against sex offenders

New York, NY – The New York State Senate Coalition today unveiled an alarming joint-investigative report, “Keeping Our Children Safe From Sex Offenders,” conducted by the offices of Independent Democratic Conference Leader Jeff Klein (D-Bronx/Westchester) and State Senate Majority Leader Dean G. Skelos (R-Nassau), which uncovered startling violations of residency restrictions and a major loophole in the law.

The joint-investigative report comes on the heels of a devastating New York State Court of Appeals ruling relating to Nassau County. As a result, the New York State Senate Coalition will immediately act on key sex offender legislation — including closing the major loophole in the law and allowing localities to strengthen residency restrictions.

“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. I thank the members of the Senate Republican Conference — who have been at the forefront of the state's efforts on these issues for years — for their ongoing commitment to common-sense measures that keep kids safe. I urge the Governor and our Assembly colleagues to join us in enacting a swift and smart legislative solution,” Senate Majority Leader Skelos said.

The joint-investigation uncovered convicted pedophiles violating state law by living within 1,000 feet of grade schools with Pre-K programs and brought to light over a dozen sex offenders residing within 1,000 feet of stand-alone Universal Pre-K programs not attached to grade schools—currently unprotected by state law.

“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. This is absolutely unacceptable. 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. It’s our duty to protect all children from pedophiles in the spirit of the law and we must immediately close this loophole,” said Senator Klein.

“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/Brooklyn).

“The loophole revealed in this report is disturbing. Allowing convicted sex offenders to live near our pre-schools and kindergartens flies in the face of the intent of the law. 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. I urge my colleagues to pass this bill as soon as possible and the Governor to sign it,” said Senator Andrew Lanza.

On February 17, 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 against local law. The court ruled that only the state, not a locality, is authorized to create residency restrictions for sex offenders. When session resumes this week, the New York State Senate Coalition will pass the following legislation:

- Allowing localities to fortify sex offender restrictions in ways that are no less restrictive than state laws (Senator Michael Venditto)
- Requiring school districts to distribute information about a sex offender’s residence upon notification from law enforcement (Senator Kenneth LaValle)
- Closing the loophole on the legal definition of a school to include Pre-K and Kindergarten (Senator Klein)
- Holding risk assessment hearings before a sexual predator is released into a community (Senator Tony Avella)

While Senator Klein’s bill to correct the definition of a school passed last year, it died in committee in the Assembly. Sadly, the joint-investigation uncovered seven sex offenders living within 1,000-feet of a school in violation of state law and 13

residing near stand-alone UPK programs. DOCCS fails to recognize a stand-alone Pre-K or kindergarten as a school because of the word's ambiguous definition in the statute. The Office of State Senator Klein discovered the loophole last year when a Level 3 sex offender moved close to the Carrig Montessori School, which only contains a Pre-K and Kindergarten.

Like Senator Klein's legislation to clarify the definition of a school, which passed last year with bipartisan support in the Senate, these bills also passed last year, but failed to pass in the Assembly:

- Banning registered sex offenders from residing within 1,500 feet of their victims (Senator Terrence Murphy)
- Banning Level 1, 2 and 3 sex offenders from residing within 1,000 feet of a building used exclusively as an elementary or high school (Senator Golden).
- Clarifying the definition of "residence" in SORA (Senator Robert Ortt)
- Additional disclosure of workplace information if a sex offender is working in the community where he or she resides (Senator Andrew Lanza)
- An expansion of the definition of an institution for the care and treatment of children under age 18 to clearly include day care centers (Senator James Seward)

Last month, the New York State Senate Coalition passed legislation to protect children from sex offenders, which are awaiting passage by the New York State Assembly. The legislation includes:

- Criminalizing housing or employing a sex offender who failed to register or verify employment (Senator Michael Ranzenhofer)
- Prohibiting Level 2 and 3 sex offenders from residing in family homeless shelters (Senator Klein)
- Prohibiting certain sex offenders from being granted custody or unsupervised visitation with a child (Senator John Flanagan)
- Requiring sex offenders to report multiple or part-time residences (Senator John Bonacic)
- Requiring the Office for People with Developmental Disabilities to contact local officials when a sex offender is placed in a community residence within their

municipality (Senator Patrick Gallivan)

- Prohibiting sex offenders from living in student housing (Senator Joseph Robach)
- Creating a sex offender public awareness program (Senator Joseph Robach)

The full report is attached

.