



NEW YORK STATE SENATOR

Rich Funke

Senate Passes Funke's Legislation to Let Communities Set Sex Offender Restrictions

RICH FUNKE February 26, 2015

| ISSUE: **CHILD MOLESTATION**

Cosponsored by Senator Funke, bill empowering localities to establish residency restrictions for registered sex offenders passes with bipartisan support

VIDEO: <http://youtu.be/Sxt3pWMmW4U>

The New York State Senate today passed S.3925, a bill cosponsored by Senator Rich Funke to grant municipalities the authority to establish residency restrictions for registered sex offenders. Funke first announced the bill Monday alongside Tony LaFountain, Supervisor of the Town of Penfield, where plans to enact a Child Safety Act had been thrown in flux by a court decision limiting a locality's ability to set such restrictions. S.3925 was approved with bipartisan support.

"I thank my colleagues on both sides of the aisle for working quickly to give all communities, and especially the Town of Penfield in the 55th District, the ability to set restrictions that make sense for local families," said Funke. "The next step is passing this bill into law as soon as possible, so I'm asking our community and all New Yorkers to join me in calling on the Assembly and Governor to take swift action to better protect our kids."

On February 17, 2015 the New York State Court of Appeals ruled in *People v. Diack*, overturning a Nassau County law that prohibited all registered sex offenders from

residing within 1000 feet of a school. In its ruling, the Court reasoned that the County's local law was preempted by State law. The decision immediately called into question sex offender residency restrictions on the books in municipalities across the State, including the proposed local law in Penfield.

The Penfield Child Safety Act includes a restriction to prohibit the residency of registered Level Two and Level Three sex offenders within designated Child Safe Zones, or 2,000 feet from any schools, parks, playgrounds, Town facilities, or daycare centers. The legislation was proposed, in part, due to the discovery that a Level Three sex offender had recently established residency less than 200 feet from Penfield's Veterans Memorial Park, home to the Town's Little League fields.

"I am thankful for Senator Funke's clear and swift efforts to support the Penfield community and all New York state families with the enactment of a new bill that explicitly gives municipalities the authority to enact local laws to establish residency restrictions for sex offenders," said LaFountain. "Just days ago Senator Funke came to Penfield to announce his co-sponsorship of this much needed legislation. Now that the Senate has passed the bill, we look forward to its continued progress at the State level. Locally, we are energized for our own public hearing March 4 for the Penfield Child Safety Act. The determination of Penfield families, and compelling leadership from the Town Board and Senator Funke, have given us the momentum we need to strengthen laws to protect our children."

Co-sponsored by Senator Funke, Senator Michael Venditto (R-C-I, Massapequa), and Senator Terrence Murphy (R-C-I, Yorktown), S.3925 includes two sections: The first clarifies the Legislature's intent to allow municipalities to enact local laws regarding where registered sex offenders may reside and the second explicitly authorizes municipalities to impose such restrictions.

S.3925 will next be sent to the New York State Assembly for consideration. A copy of the bill is attached.