



NEW YORK STATE SENATOR

Jack M. Martins

Senator Martins: Legislation Closing Loopholes in Sex Offender Laws Passed by Senate

JACK M. MARTINS February 27, 2015

| ISSUE: **CRIME**



Legislation Will Eliminate Gaps in Laws Created by a Recent State Court Ruling and Help Make Communities Safer

Senator Jack M. Martins (R-7th Senate District) announced that the New York State Senate has passed a package of legislation to close dangerous loopholes in the laws protecting children and communities from sexual predators.

The measures, which Senator Martins cosponsored, would address critical issues raised by a recent Court of Appeals ruling that prevents local governments from enacting laws restricting sex offenders, as well as the safety concerns highlighted in a recent Senate Coalition joint investigation and report. In “Keeping Our Children Safe From Sex Offenders,” the Senate Coalition uncovered numerous instances of convicted pedophiles living within 1,000 feet of grade schools with pre-kindergarten programs or stand-alone Universal Pre-K programs.

The legislation passed by the Senate would: provide municipalities with the ability to enact local laws that strengthen sex offender restrictions; close loopholes that allow sex offenders to reside close to pre-K and kindergarten programs; prevent sex offenders from living close to elementary or high schools; decrease the potential time a sex offender could be released into the community before risk levels are determined; increase public disclosure about the residencies and workplaces of sex offenders; and prohibit registered sex offenders from living close to their victims or from entering child care facilities.

“We must close the legal loopholes that compromise protections for children and families from sexual predators. Sex offenders do not belong anywhere near our children, and we must ensure that communities and law enforcement have as much information as possible to keep our families safe. The Assembly should pass these measures immediately,” said Senator Martins.

The joint report conducted by the Senate Majority Coalition came on the heels of a devastating New York State Court of Appeals ruling which sided with a sex offender who completed his parole and moved within 500 feet of a Nassau County school. While his move was in compliance with state law, it violated local law, and the court ruled that only the state is authorized to create residency restrictions for sex offenders. Since the creation of the sex offender registry, many municipalities across the state have chosen to enact laws similar to

the one in Nassau County that was overturned and their local authority is now jeopardized.

The legislation cosponsored by Senator Martins would:

- Address the Court of Appeals ruling by enabling municipalities to respond to the needs of their community and create local laws relating to sex offenders. Communities would be able to put additional restrictions in place so long as they are not less restrictive than state laws (S3925).

- Prohibit certain convicted sex offenders from knowingly being within 1,000 feet of any place where pre-kindergarten or kindergarten instruction is provided. The measure also requires the state Department of Corrections and Community Supervision to receive regular updates of all elementary and secondary school locations to ensure residency restrictions for Level 2 and 3 sex offenders are being followed (S1520).

- Require schools to distribute information about Level 2 and 3 sex offenders living in a school district to parents of the students. This would give parents an extra assurance that each household has the valuable information that could protect their children from dangerous predators (S22).

- Reduce the amount of time it takes to make a risk level determination for convicted sex offenders so that they are not placed on probation, discharged, or otherwise released into the community without the necessary protections and registration requirements in place (S712).

- Prevent convicted Level 1, 2, or 3 sex offenders from residing within 1,000 feet of a building used exclusively as an elementary or high school (S2269).

- Prohibit Level 2 or 3 sex offenders from residing within 1,500 feet of their victim's residence (S2950).

- Fix a loophole that allows sex offenders to spend significant amounts of time at a residence other than the primary one registered with the state. This measure amends the definition of a residence and requires offenders to comply with registration requirements to include any location at which the offender spends more than two days a week (S2981).

- Increase the information available to the public when a convicted sex offender is in contact with the community. Level 2 and 3 sex offenders would be required to disclose their employment in addition to their residence on the state's registry (S3811).

- Prohibit Level 3 sex offenders from entering child care facilities as a condition of their sentencing (S3926).

The bills have been sent to the Assembly.