



NEW YORK STATE SENATOR

Jeffrey D. Klein

## Senator Klein Finds Bronx Sex Offender in Violation of State Law

JEFFREY D. KLEIN August 21, 2015

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*One day after being released from state correctional facility, registered sex offender moves 450-feet from local elementary school*

*Convicted felon also found living dangerously close to UPK program, currently legal due to gaping hole in New York State Penal Law*

*Klein sponsored legislation would ban sex offenders from residing near UPK programs and strengthen protections for children and families*

**BRONX, NY - State Senator Jeff Klein (D-Bronx/Westchester)** today announced that a registered sex offender, Mark Mercado, released from Gowanda Correctional Facility in western New York has relocated to The Bronx – directly violating state law and moving a mere 449-feet from a special needs elementary school.

What's more shocking than the speed at which this convicted felon found a new home next to the Biondi Elementary School, is a dangerous loophole in state law that does not place residency restrictions on stand-alone Universal Pre-Kindergarten programs. The sex offender also resides within 950-feet of a stand-alone UPK at the Westchester Tremont Day Care Center, serving 100 local children.

**Senator Klein said:** "Across New York, we've found sex offenders violating their parole, living dangerously close to traditional schools, and more egregiously, right next to our most

vulnerable children attending pre-K programs. This is absolutely unacceptable. The legal definition of ‘school’ does not currently prevent registered sex offenders from residing within 1,000 feet of pre-K programs – posing a deadly threat to the safety and security of New York’s families. It’s our duty to protect our children from pedophiles and I strongly urge the State Assembly to pass this important legislation and close this loophole immediately.”

In 2014, Senator Klein introduced legislation (S.1520) that would update New York State Penal Law to prohibit Level 2 and 3 sex offenders from knowingly being within 1,000 feet of a facility where pre-kindergarten or kindergarten instruction is provided. The bill overwhelmingly passed the State Senate in 2014 and 2015. The bill was never moved to the floor for a vote in the Assembly.

Six months ago, the Independent Democratic Conference released a bombshell investigative report “*Keeping Our Children Safe From Sex Offenders*” which uncovered startling violations of residency restrictions and numerous sex offenders living dangerously close to both traditional and stand-alone UPK programs in New York.

Two of the sexual predators found in that investigation – Michael Nieves and Damon Ford – are already back in prison. Ford violated his parole after police found him purchasing synthetic marijuana. Nieves also violated parole conditions when police were called to his home for a domestic dispute.

In 2009, Senator Klein introduced legislation that created a sex offender email notification system that later became Chapter 478 of New York State Law. The system allows local residents to receive instant email alerts any time a sex offender moves into a selected zip code. The legislation has been hailed by community groups and advocates.

**Edith Blitzler, a Bronx resident and member of Community Board #11, said:** “As a mother, grandmother, and community activist, finding a registered sex offender just released from prison living so close to our children is deeply troubling. It is our duty to ensure the safety of our kids, and by allowing these type of predators to circumvent the law, we are endangering their safety. Thank you Senator Klein for leading the way in protecting our neighborhoods and I look forward to working together for many years to come.”

**Al D’Angelo, First Vice Chair of Community Board #11, said:** “Our children are our most prized possessions. Their safety should be our prime concern. Preventing dangerous sexual predators from knocking at the doors of our schools is critical in building safe, strong communities. Allowing pedophiles to flout the law is simply unacceptable and I commend Senator Klein for leading the way in protecting our most vulnerable population.”

For the full list of sex offenders currently residing within 1,000 feet of pre-kindergarten programs throughout New York City, please see the attached PDF below.