

LOCAL LAW NO. "F" FOR 2006

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK ESTABLISHING RESIDENCY RESTRICTIONS IN THE COUNTY OF ALBANY FOR SEX OFFENDERS WHO HAVE COMMITTED CRIMINAL OFFENSES AGAINST MINORS

Introduced: 5/8/06

By Messrs. McCoy, Domalewicz, Morse, Nichols, Ms. Connolly, Messrs. Shafer, Joyce, Mayo, Riddick, Mss. Barlette, Benedict, Mr. Clouse, Ms. Comella, Messrs. Hoblock and Carman:

BE IT ENACTED by the Legislature of the County of Albany as follows:

SECTION 1. Legislative intent and purpose.

a. This Legislature finds and determines that it is essential to assure residents of Albany County that county government continues to make every effort to protect children from sex offenders.

b. This Legislature further finds and determines that it is in the best interests of Albany County citizens to establish residency restrictions for sex offenders who have committed criminal sexual offenses against minors.

c. Accordingly, the purpose of this Local Law is to prohibit sex offenders from residing within one thousand feet of areas that would provide them easy access to potential victims.

SECTION 2. Definitions

a. The term "sex offender" shall mean a person who has been convicted of a sexual offense against a minor and has received a level two or three designation as defined under Article 6-C of the New York State Correction Law.

b. The term "child care facility" shall mean licensed and/or registered child day care centers, group family day care homes and family day care homes as defined by the New York State Social Services law.

c. The term "residence" shall mean the place where a person sleeps, which may include more than one location, and may be mobile or transitory.

SECTION 3. Restrictions

A sex offender as herein defined shall not reside within one thousand feet of the real property comprising a public or nonpublic elementary or secondary school or a child care facility.

SECTION 4. Exceptions

A sex offender as herein defined residing within one thousand feet of the real property comprising a public or nonpublic elementary or secondary school or a child care facility does not commit a violation of this Local Law if any of the following apply:

- a. The sex offender is serving a sentence at a jail, prison, juvenile facility or other correctional institution or facility.
- b. The sex offender has established a residence prior to September 1, 2006, or a school or child care facility is newly located on or after September 1, 2006.
- c. The sex offender is a minor or a ward under a guardianship.

SECTION 5. Penalties

Any violation of the provisions of this Local Law shall be punishable as a Misdemeanor.

SECTION 6. Severability.

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 7. Effective date.

This law shall take effect September 1, 2006.

Referred to Law Committee. 5/8/06

Favorable Recommendation - Law Committee. 6/26/06

On roll call vote the following voted in favor: Messrs. Aidala, Aylward, Mss. Barlette, Benedict, Messrs. Beston, Carman, Clay, Clouse, Collins, Ms. Comella, Mr. Comisso, Ms. Connolly, Messrs. Cunningham, Dawson, Domalewicz, Ethier, Feeney, Hoblock, Houghtaling, Infante, Joyce, Ms. Maffia-Tobler, Messrs. Mayo, Monjeau, Morse, Nichols, Reilly, Riddick, Shafer, Steck, Ward, Mss. Wiley and Willingham - 33.

Those opposed: Mr. Gordon and Ms. Prentiss - 2.

Local Law was adopted. 7/10/06