

Local Law 2 of 2007
COUNTY OF WASHINGTON, NEW YORK
Introduced by Supervisor Banks

A LOCAL LAW REGULATING RESIDENCY AND OTHER ACTIVITIES OF SEX OFFENDERS

BE IT RESOLVED by the Board of Supervisors of the County of Washington as follows:

SECTION 1. Legislative Intent and Purpose

A. This Board of Supervisors finds and determines that due to the recidivism rate among convicted sex offenders following their release from confinement, there exists a heightened potential for reoccurrence of their crimes when they reside, have employment or frequent areas where children or other vulnerable citizens are likely to regularly congregate, such as public or non public elementary, middle and high schools, child care facilities, parks, playgrounds, public or private youth center or public swimming pools and libraries, or facilities operated by the NYS OMRDD or WWARC.

B. This Board of Supervisors further determines that it is essential for the Washington County government to make every effort to protect children and other vulnerable citizens from sex offenders who have committed sexual offenses against minors.

C. This Board of Supervisors further determines that it is in the best interest of the safety, health and welfare of the citizens of Washington County, and particularly its children, and other vulnerable citizens to establish residency restrictions and restrictions on location of employment and other activities for sex offenders who have committed sexual offenses against minors.

D. It is the purpose of this Local Law to prohibit sex offenders from residing or having employment within one thousand feet of areas and facilities that would provide them easy access to potential victims and to further regulate the access of such offenders to children and other vulnerable populations.

SECTION 2. Definitions

A. The term sex offender shall mean a person who has been convicted of a sexual offense as defined in paragraph 1 of Section 168-a of the New York State Corrections Law.

B. The term child care facility shall mean a licensed and/or registered nursery, preschool, child day care center, group family day care home, and family day care home 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 and/or transitory.

D. The term employment shall mean doing work, whether or not for financial gain.

SECTION 3. Restrictions

A. A sex offender as herein defined shall not reside or have employment within one thousand feet of the real property comprising a public or private, elementary, middle or high school, child care facility, park, playground, public or private youth center, public swimming area, library or facility operated by the NYS OMRDD or WWARC.

B. A sex offender, as herein defined, shall not, having no reason or relationship involving custody of or responsibility for a child, pupil or student, or any other specific, legitimate reason for being there, and not having written permission from anyone authorized to grant the same, loiter or remain in, about or within one hundred fifty (150) feet of, real property comprising a public or private, elementary, middle or high school, a site that has been designated by a public or private, elementary, middle or high school as a point for the pickup or discharge of students by or from transportation provided by such school (commonly known as a "school bus stop"), child care facility, park, playground, public or private youth center, public swimming area, library or facility operated by the NYS OMRDD or WWARC.

SECTION 4. Exceptions

A sex offender as herein defined residing within one thousand feet of the real property comprising a public or private elementary, middle or high school, child care facility, park, playground, public or private youth center, or public swimming pool 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, is an inpatient in a hospital or nursing home or is placed at said home by NYS OMRDD.

B. The sex offender has established a residence or employment which would otherwise be in violation of this Local Law prior to the effective date of this Local Law.

C. A public or private, elementary, middle or high school, child care facility, park, playground, public or private youth center or public swimming pool is newly located on or after the effective date of this Local Law.

D. The sex offender is a minor or a ward under a guardianship.

SECTION 5. Penalties

Any violation of the provisions of this local shall be a Class A Misdemeanor, punishable by a fine of up to \$500 and imprisonment of up to six months in jail.

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 upon filing with the Secretary of State.