

ONEIDA COUNTY BOARD OF LEGISLATORS

RESOLUTION NO.

**INTRODUCED BY: Messrs. Miller, Waterman, Porter, Fiorini, Flisnik
2ND BY:**

**RE: LOCAL LAW INTRODUCTORY "B" OF 2007 PROHIBITING REGISTERED SEX
OFFENDERS FROM RESIDING WITHIN OR ENTERING WITHIN ONE THOUSAND FIVE
HUNDRED FEET OF ANY SCHOOL GROUNDS, CHILD CARE FACILITIES, PLAYGROUND OR
PARK**

LEGISLATIVE INTENT AND PURPOSE:

- a. The Board of Legislators of the County of Oneida is deeply concerned with the health and safety of the County's children and finds that sex offenders residing near, entering or appearing at school grounds, child care facilities, playgrounds, or parks poses a severe threat to the health and safety of those children.
- b. The Board of Legislators finds that "Level 2" and "Level 3" sex offenders pose the most significant threat to the health and safety of the children of Oneida County.
- c. The Board of Legislators further finds that instituting residency and proximity controls for sex offenders is the least restrictive and most effective means of protecting children from sex predators in Oneida County.
- d. Accordingly, the purpose of this local law is to prohibit sex offenders from residing within, or entering within, one thousand five hundred feet of any school grounds, child care facility, playground, or park.

BE IT ENACTED by the Board of County Legislators of the County of Oneida, State of New York, as follows:

SECTION 1. DEFINITIONS: For the purposes of this local law, the following terms shall have the following meanings:

- a. "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 Correction Law.
- b. "School grounds" shall mean any building, structure, and surrounding outdoor grounds contained within a public or private pre-school, nursery school, elementary or secondary school's legally defined property boundaries as set forth by deed or other instrument filed in the Oneida County Clerk's office.
- c. "Residence" shall mean the building or other structure where a person sleeps. A residence may include more than one location, and may be mobile or transitory.

d. "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.

e. "Park" shall mean any active or passive land designated for recreational or athletic use by the Federal government, the State of New York, the County of Oncida, or any Town, City, Village, or School District within the County, and located with the County. For the purposes of this Local Law, the term "park" includes public beaches but excludes the Adirondack Park.

SECTION 2. RESTRICTIONS:

a. A sex offender shall not maintain a residence within, or enter within, one thousand five hundred (1500) feet of any school grounds, child care facility, playground, or park.

SECTION 3. EXCEPTIONS:

a. A sex offender who maintains a residence within one thousand five hundred (1500) feet of any school grounds, child care facility, playground, or park does not commit a violation of this local law if any of the following apply:

1. The sex offender is serving a sentence at a jail, prison, juvenile facility or other correctional institution or facility.
2. The sex offender has established a residence prior to the effective date of this Local Law, or a school grounds, child care facility, playground, or park is newly located on or after the effective date of this Local Law.
3. The sex offender is a minor or a ward under a guardianship.
4. The sex offender is required to reside at a location fixed by order of a court of competent jurisdiction, or by any federal, state, or county agency having jurisdiction over the sex offender.

b. A sex offender may enter upon the grounds of a school for the purposes of casting a vote in an election upon prior written notice to the relevant school official of the need to do so and the time when such offender will be entering the school facility.

SECTION 4. ENFORCEMENT AND PENALTIES:

a. Any violation of this Local Law shall be punishable as a Class A Misdemeanor.

This local law shall take effect on November 1, 2007 in accordance with sections 20, 21 and 27 of New York State Municipal Home Rule Law.

APPROVED: Public Safety Committee (June 11, 2007)
Courts, Laws & Rules Committee (June 11, 2007)
Ways & Means Committee (June 13, 2007)

DATED: October 10, 2007

Adopted by the following vote:
AYES ___ NAYS ___ ABSENT ___

This local law was placed on each Legislator's desk at the September 26, 2007 meeting.