



Schenectady County Legislature

PROPOSED LOCAL LAW NO. 03-07

COUNTY OF SCHENECTADY

Introduced by Legislator Kosiur; Co-Sponsored by Legislators Dagostino, DiCerbo, Fields, Gordon, Gray, Hughes, Petta and Savage:

A LOCAL LAW ESTABLISHING RESIDENCY RESTRICTIONS IN THE COUNTY OF SCHENECTADY FOR PERSONS WHO HAVE BEEN CONVICTED OF CERTAIN SEX-RELATED OFFENSES

BE IT ENACTED by the Legislature of the County of Schenectady, as follows:

Section 1. Legislative Intent and Purpose.

- a. This Governing Body finds that the high recidivism rate among convicted sex offenders after their release from confinement necessitates a heightened awareness by local government officials to respond to the potential reoccurrence of these heinous crimes in their neighborhoods;
- b. This Governing Body finds that it is essential that every effort be taken to protect children from persons who have been convicted of sexual offenses;
- c. This Governing Body finds that it is in the best interests of the safety, health and well-being of the residents of Schenectady

County, and particularly its children, to establish residency requirements and restrictions for persons who have been convicted of certain sexual offenses;

- d. This Governing Body finds that it has the authority to adopt and amend local laws regarding the protection, order, conduct, safety, health and well-being of persons or property in its jurisdiction; and
- e. The purpose of this Local Law is to prohibit convicted sex offenders from residing within two thousand feet of areas where children regularly congregate in order to prevent access to potential victims.

Section 2. Definitions.

1. The term “sex offender” shall mean a person who has been convicted of a sexual offense as defined in subdivision one of section 168-a of the New York State Corrections Law,
2. The term “child care facility” shall include a licensed and/or registered child day care center, group family day care home, and family day care home as these terms are defined in section 390 of the New York State Social Services Law.
3. The term “residence” shall mean a place where a person sleeps, which may include more than one location and it may be mobile and/or transitory.

Section 3. Restrictions.

1. A sex offender, as herein defined, shall not reside or establish a residence within two thousand feet of the real property comprising a public or private elementary, middle or high school, child care facility, public park, public playground, public swimming pool, public or private youth center.

2. Exceptions. A sex offender, as herein defined, who is residing or who established a residence within two thousand feet of the real property comprising a public or private elementary, middle or high school, child care facility, public park, public playground, public swimming pool, public or

private youth center is not in violation of this section if any of the following apply:

- a. The sex offender is incarcerated at a jail, prison, juvenile facility or other correctional institution or facility, or is an in-patient at a hospital;
 - b. The sex offender has established a residence prior to the effective date of this local law;
 - c. A private elementary, middle or high school, child care facility, public park, public playground, public swimming pool, public or private youth center is newly located on or after the effective date of this local law; or
 - d. The sex offender is a minor or a ward under a guardianship.
3. Penalty. Any violation of this section shall be punishable as a class 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 adjudged 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 immediately after its final adoption, filing and publication in accordance with section 27 of the Municipal Home Rule Law and section 2.12 of the Charter of the County of Schenectady.



Schenectady County Legislature

RESOLUTION 87 -07

Sponsored by Legislator Kosiur:

A RESOLUTION CALLING A PUBLIC HEARING ON PROPOSED LOCAL LAW NO. 03-2007

BE IT ENACTED by the Legislature of the County of Schenectady, as follows,

RESOLVED, that pursuant to section 20 of the Municipal Home Rule Law, a public hearing is hereby called upon proposed Local Law No. 03-2007, to be held before the Legislature of the County of Schenectady, in the Legislative Chambers in the County Office Building, 620 State Street, Schenectady, New York on the 12th day of June, 2007 at 7:00 pm for the purpose of hearing all interested persons on the question of adoption of the proposed Local Law establishing residency restrictions in the County of Schenectady for persons who have been convicted of certain sex-related offenses; and, be it further

RESOLVED, that the Clerk of the Legislature be and he hereby is directed to publish a notice of such public hearing once in the Daily Gazette as provided for by law, such notice to contain the title of the proposed Local Law and an abstract of the text.



Schenectady County Legislature

PROPOSED LOCAL LAW NO. 04—07

COUNTY OF SCHENECTADY

Introduced by Legislator Kosiur; Co-Sponsored by Legislators Dagostino, DiCerbo, Fields, Gordon, Gray, Hughes, Petta and Savage:

A LOCAL LAW ESTABLISHING CIVIL REMEDIES FOR ENFORCING CERTAIN RESIDENCY RESTRICTIONS FOR PERSONS WHO HAVE BEEN CONVICTED OF SEX-RELATED OFFENSES

BE IT ENACTED by the Legislature of the County of Schenectady, as follows:

Section 1. Legislative Intent and Purpose.

- a. This Governing Body finds that the high recidivism rate among convicted sex offenders after their release from confinement necessitates a heightened awareness by local government officials to respond to the potential reoccurrence of these heinous crimes in their neighborhoods;
- b. This Governing Body finds that it is essential that every effort be taken to protect children from persons who have been convicted of sexual offenses;
- c. This Governing Body finds that it is in the best interests of the safety, health and well-being of the residents of Schenectady County, and particularly its children, to establish residency

restrictions for persons who have been convicted of certain sexual offenses;

- d. This Governing Body finds that a civil rule is an appropriate method for seeking to enjoin sex offenders from continuing to reside within two thousand feet of real property comprising a public or private elementary, middle or high school, child care facility, public park, public playground, public swimming pool, public or private youth center.
- e. This Governing Body finds that it has the authority to adopt and amend local laws regarding the protection, order, conduct, safety, health and well-being of persons or property in its jurisdiction; and
- f. The purpose of this Local Law is to authorize the removal of convicted sex offenders who previously have established residency within two thousand feet of areas where children regularly congregate in order to prevent access to potential victims.

Section 2. Definitions.

- 1. The term “sex offender” shall mean a person who has been convicted of a sexual offense as defined in subdivision one of section 168-a of the New York State Corrections Law.
- 2. The term “child care facility” shall include a licensed and/or registered child day care center, group family day care home, and family day care home as these terms are defined in section 390 of the New York State Social Services Law.
- 3. The term “residence” shall mean a place where a person sleeps, which may include more than one location and it may be mobile and/or transitory.

Section 3. Restrictions.

- a. No sex offender who resides or has established a residence within two thousand feet of the real property comprising a public or private elementary, middle or high school, child care facility, public park, public playground, public swimming pool, public or private youth center prior to the effective date of this local law shall be permitted to continue to reside or occupy a residence within two

thousand feet of the real property comprising a public or private elementary, middle or high school, child care facility, public park, public playground, public swimming pool, public or private youth center on or after October 1, 2007.

- b. If a sex offender to whom subdivision (a) of this section applies violates subdivision (a) of this section by continuing to reside or occupy a residence within two thousand feet of the real property comprising a public or private elementary, middle or high school, child care facility, public park, public playground, public swimming pool, public or private youth center after October 1, 2007, the County, or any of the political subdivisions within the County, may commence a civil action seeking enforcement of this section, including the requesting of injunctive relief against such sex offender.

Section 4. Additional Restrictions.

- a. No sex offender who resides or has established a residence that is within two thousand feet of the real property comprising a public or private elementary, middle or high school, child care facility, public park, public playground, public swimming pool, public or private youth center due to the construction or relocation of a public or private elementary, middle or high school, public park, public playground, public swimming pool, public or private youth center, or due to the licensing or registering of a child care facility, shall be permitted to continue to reside or occupy a residence within two thousand feet of the real property comprising a public or private elementary, middle or high school, child care facility, public park, public playground, public swimming pool, public or private youth center ninety days after the completion of the construction or relocation of a public or private elementary, middle or high school, public park, public playground, public swimming pool, public or private youth center, or ninety days after the licensing or registering of a child care facility;
- b. If a sex offender to whom subdivision (a) of this section applies violates subdivision (a) of this section by continuing to reside or occupy a residence within two thousand feet of the real property comprising a public or private elementary, middle or high school, child care facility, public park, public playground, public

swimming pool, public or private youth center after the applicable ninety day period, the County, or any of the political subdivisions within the County, may commence a civil action seeking enforcement of this section, including the requesting of injunctive relief against such sex offender.

Section 5. 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 adjudged 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 6. Effective date.

This law shall take effect immediately after its final adoption, filing and publication in accordance with section 27 of the Municipal Home Rule Law and section 2.12 of the Charter of the County of Schenectady.