

SCHEDULE "A"

COUNTY OF WARREN
LOCAL LAW NO. 8 OF 2006

A LOCAL LAW AMENDING LOCAL LAW NO. 7 OF 2006 ENTITLED
"A LOCAL LAW ESTABLISHING RESIDENCY AND EMPLOYMENT
RESTRICTIONS FOR SEX OFFENDERS WHO HAVE COMMITTED
CRIMINAL OFFENSES AGAINST MINORS"

BE IT ENACTED, by the Board of Supervisors of the County of Warren, New York, as follows:

SECTION 1. Title. This law shall be entitled "A Local Law Amending Local Law No. 7 of 2006 Entitled A Local Law Establishing Residency and Employment Restrictions for Sex Offenders Who Have Committed Criminal Offenses Against Minors".

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 nursery, preschool, 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; and (D) the term "employment" shall mean performing work of any kind, whether or not for financial gain.

SECTION 3. Legislative Intent and Purpose. The intent and purpose of this Local Law is to include penalties and correct certain inconsistencies set forth in Local Law No. 7 of 2006, entitled "A Local Law Establishing Residency and Employment

Requirements for Sex Offenders Who Have Committed Criminal Offenses Against Minors". The initial purpose of this law set forth in Local Law No. 7 of 2006 is adopted in its entirety and is as follows: (A) The Warren County Board of Supervisors finds and determines that due to the recidivism rate among convicted sex offenders following their release, there exists a heightened potential for reoccurrence of their crimes when they reside or have employment where children are likely to regularly congregate, such as public or non-public elementary, middle and/or high schools, child-care facilities, public parks, playgrounds, public or private youth centers or public swimming areas, (B) it is essential to assure residents of the County that the County government continues to make every effort to protect children from sex offenders; (C) the Warren County Board of Supervisors further finds and determines that it is in the best interests of the citizens of the County to establish residency and employment restrictions for sex offenders who have committed criminal sexual offenses against minors; and (D) accordingly, the purpose of this local law is to prohibit sex offenders from residing or having employment within one thousand (1,000) feet of areas and facilities that would provide them easy access to potential victims.

SECTION 4. Restrictions. A sex offender, as herein defined, shall not reside or have employment within one thousand (1,000) feet of the real property comprising a public or non-public elementary or secondary school or child care facilities, public parks, playgrounds, public or private youth centers or public swimming areas.

SECTION 5. Exceptions. A sex offender, as herein defined, residing or being employed within one thousand (1,000) feet of the real property comprising of a public or non-public elementary, middle and/or high schools, child care facilities, public parks,

playgrounds, public or private youth centers or public swimming areas, 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 or been employed at that location prior to the effective date of this Local Law or a public or non-public elementary, middle and/or high schools, child-care facilities, public parks, playgrounds, public or private youth centers or public swimming areas, is newly located on or after the effective date of this Local Law, and (C) the sex offender is a minor or ward under a guardianship.

SECTION 6. Penalties. Any violation of the provisions of this Local Law shall be punishable as a misdemeanor.

SECTION 7. Previously-enacted Local Laws affected, changed and/or superceded. Insofar as the provisions of this Local Law are inconsistent with the provisions of any previously-enacted Local Law or Resolution of the Board of Supervisors, this Local Law shall be controlling.

SECTION 8. 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 9. Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.