

Introductory Local Law Number 1 Of 2009

County Of Ulster

A Local Law Establishing Sex Offender Free Zones In The County Of Ulster

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

SECTION 1. NAME OF LOCAL LAW.

This law shall be known as “The Ulster County Pedophile-Free Child Safety Zone Act”.

SECTION 2. LEGISLATIVE INTENT AND PURPOSE.

A. The Ulster County legislature 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 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.

B. The Ulster County Legislature further determines that it is essential for Ulster county to make every effort to protect children from sex offenders who have committed sexual offenses against minors.

C. The Ulster County Legislature further determines that it is in the best interests of the safety, health and welfare of the citizens of Ulster county, and particularly its children, 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, having employment or otherwise enter or remain within one thousand feet of areas and facilities that would provide them easy access to potential victims.

SECTION 3. 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.

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B. The term “childcare 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.

E. The term child safety zone shall mean 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.

SECTION 4. RESTRICTIONS.

A. A sex offender as herein defined shall not reside within a child safety zone.

B. A sex offender as herein defined shall not have employment within a child safety zone.

C. A sex offender as herein defined shall not loiter for purposes of committing any crime within a child safety zone.

SECTION 5. EXCEPTIONS.

A sex offender as herein defined entering or remaining within a child safety zone 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, or is an inpatient in a hospital, hospice, mental health facility or nursing home. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that child safety zone.

b. The sex offender has established a residence or employment that would otherwise be in violation of this local law prior to the effective date of this local

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law. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that child safety zone other than for purposes relating to schooling. In such case, the parent(s) or legal guardian of the minor contacted must be informed of the contact.

c. The sex offender attends primary, secondary or post-secondary school that would otherwise be in violation of this local law. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that child safety zone.

d. The sex offender only intermittently or sporadically enters a child safety zone for the purposes of work. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that child safety zone.

e. A child safety zone is newly located on or after the effective date of this local law. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that child safety zone.

f. The sex offender is a minor or a ward under a guardianship. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that child safety zone.

g. The sex offender enters a child safety zone for the purposes of exercising the right to vote. However, this exception does not apply to an individual who initiates or maintains contact with a minor within that child safety zone.

SECTION 6. PENALTIES.

The first violation of the provisions of this local law shall be a Class B Misdemeanor Punishable by a fine of up to \$500.00 and imprisonment of up to three months in jail. A second or subsequent violation shall be a Class A Misdemeanor, punishable by a fine of up to \$1,000.00 and imprisonment of up to one year in jail.

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SECTION 7. CESSATION OF RESTRICTIONS.

The restrictions outlined in section 4 shall cease when the sex offender is no longer required to register and/or verify pursuant to New York state correction law article 6-C, the sex offender registration act.

SECTION 8. SEVERABILITY.

If any clause, sentence, paragraph, subdivision, section or part of this local law or the application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, effect or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or in its application to the per son, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

SECTION 9. EFFECTIVE DATE.

This local law shall become effective immediately upon the filing of this local law in the office of the New York secretary of state pursuant to section 27 of the municipal home rule law.