

Submitted by the County Executive and Introduced by

LOCAL LAW NO. 12 - 2008

A Local Law to amend the Administrative Code of Nassau County with regard to sex offender residency restrictions.

BE IT ENACTED by the Nassau County Legislature as follows:

Section 1. Section 8-130.2 of the Administrative Code of Nassau County, as amended by Local Law 4-2006, is amended to read as follows:

§ 8-130.2 **Definitions**

When used in this title:

“Entity with a vulnerable population” shall mean any community group, organization, association, or other organized collection of people whose members are potential targets

of a sex offender.

“Commissioner” shall mean the commissioner of the police department of Nassau County.

“Level 1 offender” shall mean a sex offender who received a level one designation pursuant to Article 6-C of the New York State Correction Law because the risk of repeat offense was determined to be low.

“Level 2 offender” shall mean a sex offender who received a level two designation pursuant to Article 6-C of the New York State Correction Law because the risk of repeat offense was determined to be moderate.

“Level 3 offender” shall mean a sex offender who received a level three designation pursuant to Article 6-C of the New York State Correction Law because the risk of repeat offense was determined to be high.

“Park” shall mean any park, preserve, playground, athletic field, golf course, swimming pool, or beach operated by the county, or by the state of New York or any town, village or city within the county.

“School” shall mean a public, private or parochial elementary or secondary school, including a middle school, junior high school, high school or Board of Cooperative Educational Services (BOCES) school but not including a college, a university, a privately owned trade/vocational school or a home school.

“Registered sex offender” shall mean a person who has been designated as a level 1, level 2 or level 3 sex offender and who is required to register with the New York state division of criminal justice services, or other agency having jurisdiction, pursuant to the provisions of article 6-C of the New York State Correction Law, whether or not the sex offender has actually registered in compliance with the law or order of a court of

competent jurisdiction.

“Residence” shall mean the place where a person sleeps, which may include more than one location, and may be mobile or transitory.

“SORA” shall mean the New York state sex offender registration act.

“Domicile” shall mean a person’s true, fixed, permanent home or fixed place of habitation.

“County” shall mean the county of Nassau.

§ 2. Section 8-130.6 of such code, as added by Local Law 4-2006, is amended to read as follows:

§ 8-130.6 Residency restrictions

It shall be unlawful for any registered sex offender to establish a residence or domicile where the property line of such residence or domicile lies within:

- 1) one thousand feet of the property line of a school; or
- 2) five hundred feet of the property line of a park.

§ 3. This local law shall be effective immediately.

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PROPOSED LOCAL LAW NO. - 2008

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“Commissioner” shall mean the commissioner of the police department of Nassau County.

“Level 1 offender” shall mean a sex offender [determined by the New York state board of examiners of sex offenders to pose a low risk of recidivism] who received a level one designation pursuant to Article 6-C of the New York State Correction Law

because the risk of repeat offense was determined to be low.

“Level 2 offender” shall mean a sex offender [determined by the New York state board of examiners of sex offenders to pose a moderate risk of recidivism.] who received a level two designation pursuant to Article 6-C of the New York State Correction Law because the risk of repeat offense was determined to be moderate.

“Level 3 offender” shall mean a sex offender [determined by the New York state board of examiners of sex offenders to pose a high risk of recidivism.] who received a level three designation pursuant to Article 6-C of the New York State Correction Law because the risk of repeat offense was determined to be high.

“Park” shall mean any park, preserve, playground, athletic field, golf course, swimming pool, or beach operated by the county, or by the state of New York or any town, village or city within the county.

“School” shall mean a public, private or parochial elementary or secondary school, including a middle school, junior high school, high school or Board of Cooperative Educational Services (BOCES) school but not including a college, a university, a privately owned trade/vocational school or a home school.

“Registered sex offender” shall mean a person who has been [classified] designated as a level [I] 1, level [II] 2 or level [III] 3 sex offender and who is required to register with the New York state division of criminal justice services, or other agency having jurisdiction, pursuant to the provisions of article 6-C of [SORA] the New York State Correction Law, whether or not the sex offender has actually registered in compliance with the law or order of a court of competent jurisdiction.

“Residence” shall mean the place where a person sleeps, which may include more than one location, and may be mobile or transitory.

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