

ARTICLE I, Residency Restrictions [Adopted 2-7-2006 by L.L. No. 12-2006]

§ 428-1. Legislative intent.

A. This Legislature hereby finds and determines that sex offenders pose an unreasonable threat to the safety and well-being of children.

B. This Legislature also finds and determines that the County of Suffolk has gone to great lengths to protect the children of this County from sex offenders, such as requiring certain sex offenders to wear ankle bracelets so that law enforcement can determine their whereabouts.

C. This Legislature further finds and determines that information is currently available to the public regarding these high-risk offenders, which information is available through the internet and other sources.

D. This Legislature finds that it is imperative that the County of Suffolk takes all steps necessary to protect the most vulnerable residents of the County.

E. Therefore, the purpose of this article is to restrict all registered sex offenders from residing within 1/4 of a mile of any school, licensed day-care center or playground.

§ 428-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DAY-CARE CENTER -- Any program or facility caring for children for more than three hours per day per child, as those terms are defined in § 390 of the New York Social Services Law.

HOUSING ACCOMMODATION -- Any building, structure, or portion thereof which is used or occupied or is intended, arranged or designed to be used or occupied as the home, residence or sleeping place of one or more human beings.

PLAYGROUND -- Any public land designated for recreational or athletic purposes by any school district, library district, or by the County of Suffolk or any town or village located wholly within the County of Suffolk.

REGISTERED SEX OFFENDER -- Any person who has been convicted of an offense and is registered with the State Division of Criminal Justice Services pursuant to the provisions of Article 6 of the New York Correction Law.

SCHOOL -- Any institution, building or structure used for teaching children or imparting an education.

SHELTER -- Any residential facility providing temporary housing, for which such temporary use and occupancy of the housing facilities the owner or primary tenant of the property receives compensation, either directly from the temporary occupant or through reimbursement from a third party on behalf of such temporary occupant, or both.

§ 428-3. Residence limitation.

A. It shall be unlawful for all registered sex offenders to reside within 1/4 mile of the property line of any public or private nursery, elementary, middle or high school; or a licensed day-care center; or a playground.

B. No shelter or housing accommodation shall permit or cause the placement of any registered sex offender if such shelter or housing accommodation is within 1/4 mile of the property line of any public or private nursery, elementary, middle or high school; or a licensed day-care center; or a playground.

C. The residence prohibition established by this section shall remain in effect for as long as the offender is classified as a registered sex offender.

§ 428-4. Exceptions.

A. The provisions of this article shall not apply to any registered sex offenders who have established a residence prior to the effective date of this article.

B. The provisions of this article shall not apply if a public or private nursery, elementary, middle or high school, or a licensed day-care center, or a playground is newly constructed and is within 1/4 mile of the residence of a registered sex offender who has previously established a residence in that location.

C. The provisions of this article shall not apply to any registered sex offender who is required by court order to reside at a certain location.

§ 428-5. Penalties for offenses.

A registered sex offender who violates the provisions of this article shall be guilty of an unclassified misdemeanor punishable by no more than one year in jail.

§ 428-6. Applicability.

This article shall apply to all actions occurring on or after the effective date of this article.

§ 428-7. Reverse preemption.

This article shall be null and void on the day that statewide or federal legislation goes into effect, incorporating either the same or substantially similar provisions as are

contained in this article, or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Suffolk. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted, for the purpose of triggering the provisions of this section.