

Chapter 344, SEX OFFENDERS

[HISTORY: Adopted by the City Council of the City of Binghamton as indicated in article histories. Amendments noted where applicable.]

ARTICLE I, Posting on Web Site [Adopted 4-19-2004 by Ord. No. 04-45]

§ 344-1. Information to be posted on Web site.

The City shall cause to be posted on the City Web site all the information about sex offenders it receives from the Sex Offender Registry maintained by the Division of Criminal Justice Services and received by the City's Police Department, to an extent allowable under the Laws of New York 1995, Chapter 192, as amended, and 4 U.S.C. 170101, the Federal Crime Control Act.

ARTICLE II, Sex Offender Services [Adopted 5-16-2005 by Ord. No. 05-28]

§ 344-2. Notification required.

A business, organization and/or agency which currently or in the future provides sex offender treatment services shall hereby be required to mail notification to surrounding businesses and residents within a radius of 1/4 mile measured from the main, or secondary, or tertiary entrances of said business, organization and/or agency that it is providing said services to Level II and/or Level III sex offenders. Said notification shall be required to be so mailed on a yearly basis no later than the first business day following the Labor Day holiday.

§ 344-3. Location restrictions.

No new business, organization and/or agency which provides sex offender services shall be located within a radius of 1/4 mile measured from the main, or secondary, or tertiary entrances of any public or private school, child day-care center and/or public park.

§ 344-4. Relocation or expansion of existing organizations.

An existing business, organization and/or agency which provides sex offender services shall be prohibited from relocating/expanding its services within a radius of 1/4 mile measured from the main, or secondary, or tertiary entrances of any public or private school, child day-care center and/or public park.

§ 344-5. Definition.

For the purposes of this article, "sex offender services" shall include treatment programs designed for and provided to registered sex offenders.

ARTICLE III, Residency Restrictions [Adopted 10-26-2005 by Ord. No. 05-80]

§ 344-6. Restrictions; exceptions.

Level Two Sex Offenders are hereby prohibited from knowingly entering into or upon any school grounds or any facility for minors; provided, however, that if such Level Two Sex Offender is a registered student or participant or an employee of such school ground or facility for minors or entity contracting therewith or has a family member enrolled in such school grounds or facility for minors, said Level Two Sex Offender may enter upon such facility only if a written authorization of his or her probation officer or the court and the superintendent or chief administrator of such school grounds or facility for minors is obtained and for the limited purposes authorized by the probation officer or the court and superintendent or chief officer of such school or facility. In addition to the foregoing, such Level Two Sex Offender may also lawfully enter into or upon a school grounds or facility for minors if he or she: a) has a medical emergency requiring immediate attention at a health care provider; or b) has lawful business at a federal, state or local court or governmental agency; or c) is traveling on an interstate roadway within the proximity of a school grounds or facility for minors.

§ 344-7. Definitions.

For the purposes of this article, the following terms shall have the meanings indicated:

FACILITY FOR MINORS -- Any facility or institution primarily used for the care or treatment of persons under the age of 18 while one or more of such persons under the age of 18 are present, including, but not limited to, day-care centers licensed, certified or otherwise sanctioned by the State of New York and/or a political subdivision of the State of New York.

LEVEL TWO SEX OFFENDER -- A person who:

- A. Is convicted of an offense defined in Article 130, 235 or 263 of the New York State Penal Law and the victim of the offense was a person under the age of 18 at the time of the offense; or, is designated as a "Level Two Sexual Offender" pursuant to Subdivision 6 of § 168-1 of the New York State Correction Law; and
- B. By reason of his or her conviction for the offense, the person:
 - (1) Receives a sentence of probation or conditional discharge on or after September 1, 2005; or
 - (2) Is released on parole or a conditional release pursuant to Paragraph 1 or 2 of Subdivision 14 of § 259-c of the New York State Executive Law on or after September 1, 2005; or
 - (3) Is conditionally released pursuant to § 70.40 of the New York State Penal Law on or after September 1, 2005.

SCHOOL GROUNDS -- Any area in or on or within any building, structure, athletic playing field, playground or land contained within the real property boundary line of a public or private elementary, parochial, intermediate, junior high, vocational, or high school; or b) any area accessible to the public located within 1,000 feet of the real property boundary line comprising any such school or any parked automobile or other parked vehicle located within 1,000 feet of the real property boundary line comprising any such school. For the purposes of this section an "area accessible to the public" shall mean sidewalks, streets, parking lots, parks, playgrounds, stores and restaurants.

§ 344-8. Effect on conditions of supervision.

Nothing within this article shall be construed as restricting any lawful condition of supervision that may be imposed on a sentenced Level Two Sex Offender.

§ 344-9. Penalties for offenses.

Violation under this article will result in the penalties as recited under § 1-4 of the Code of the City of Binghamton.