



Legislation Text

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Res. No. 247-A

Resolution calling on the New York State Legislature to amend Megan’s Law to mandate community notification regarding sex offenders and to require local law enforcement to provide education to the public regarding such notification.

By Council Members Vallone Jr., Avella, Clarke, Foster, Gennaro, Gentile, Gerson, Liu, Martinez, Recchia, Sanders, Nelson, Jennings, Seabrook, Oddo and The Public Advocate (Ms. Gotbaum)

Whereas, New York’s Megan’s Law, which took effect in 1996, requires registration as a sex offender upon a conviction of certain listed sex offenses or a conviction for an attempt to commit a listed sex offense; and

Whereas, Megan’s Law also establishes a set of guidelines and procedures for use by the New York State Board of Examiners of Sex Offenders and sentencing courts to assess the risk of a repeat offense by a sex offender and the threat posed to the public safety by such offender; a Level One designation is for those offenders whose risk of repeat offense is low, Level Two refers to the designation for those offenders whose risk of repeat offense is moderate, and Level Three refers to those offenders whose risk of repeat offense is high and who pose a risk to public safety; and

Whereas, In addition, under Megan’s Law, local law enforcement agencies are notified when an offender moves into its jurisdiction, and it is then in the discretion of the law enforcement agency whether to distribute certain information about the offender “to any entity with vulnerable populations related to the nature of the offense” committed by the sex offender; and

Whereas, Also under Megan’s Law, the New York State Department of Criminal Justice Services (DCJS) must keep a subdirectory of information on Level Three offenders and post such information on its website; and

Whereas, Although they provide the public with important facts regarding sex offenders, these Megan's Law requirements limit the amount of information that the public receives regarding sex offenders; to ensure that the residents of this city receive accurate and complete data to make common sense decisions to protect themselves and their families from sex offenders, certain provisions of the statute should be amended; and

Whereas, The current DCJS database of sex offenders should also include those convicted of Level Two sex offenses, and the website information available to the public should have, at a minimum, the offender's photograph and any special conditions imposed by the court or parole authorities, as well as their approximate address by zip code; and

Whereas, Megan's Law should also be amended to mandate that local law enforcement notify "any entity with vulnerable populations related to the nature of the offense" committed by Level Two and Level Three sex offenders; and

Whereas, And equally importantly, Megan's Law should mandate that local law enforcement provide education to those with whom they share such information about the nature of the data, such as the risk involved, how to protect their families, and how the facts provided to them should be used; and

Whereas, Residents of a community have the right to know about the presence of a sex offender in their neighborhood; mandating community notification by law enforcement, and further requiring Level Two and Level Three sex offender information to be published on the web, will ensure the public safety of residents of the city, particularly our children, and therefore must be approved by the State Legislature and Governor as quickly as possible; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend Megan's Law to mandate community notification regarding sex offenders and to require local law enforcement to provide education to the public regarding such notification.

