

LOCAL LAW NO. "G" FOR 2008

A LOCAL LAW TO PREVENT SEX OFFENDERS FROM BEING HOUSED AT GENERAL POPULATION EMERGENCY SHELTERS

Introduced: 5/12/08

By Messrs. Domalewicz, McCoy, Nichols, Ethier, Rahm, Scavo and Ms. Willingham:

BE IT ENACTED by the County Legislature of the County of Albany as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that in the event of a natural or man-made disaster, the residents of Albany County may avail themselves of emergency shelters set up by the Albany County Sheriff's Department or established by any other emergency services organization.

This Legislature also determines that during an emergency, registered sex offenders could be housed in close proximity to children and those operating the shelter would not be aware of this potentially dangerous situation.

This Legislature further finds and determines that in order to protect the residents of Albany County, particularly children, registered sex offenders should not be housed in a general population emergency shelter, but rather, should be placed in a separate facility during a public emergency.

Therefore, the purpose of this law is to require sex offenders to disclose their status when checking into an emergency shelter. Further, this law will mandate responsible county departments to maintain a separate shelter for sex offenders and require the removal of sex offenders to this shelter to the fullest extent practicable.

Section 2. Definitions.

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

"Department" shall mean the Albany County Sheriff's Department.

"Public Emergency" shall mean an emergency declared by the Governor of the State of New York or the Albany County Executive as a result of an occurrence or imminent threat of widespread or severe damage, injury, or loss of life or property resulting from any natural or man-made causes, including, but not limited to fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, wave action, epidemic, air contamination, explosion, radiological accident or water contamination.

“Registered Sex Offender” shall mean any person who has been convicted of an offense and is registered with the New York State Division of Criminal Justice Services pursuant to the provisions of Article 6-C of the New York Correction Law.

“Shelter” shall mean a facility established by the County of Albany or any other emergency services organization to provide temporary housing to members of the public in response to a public emergency.

Section 3. Disclosure Requirement.

- A. When checking into a shelter during a public emergency, registered sex offenders shall immediately notify the shelter manager, a shelter employee or a shelter volunteer of their sex offender status.
- B. The shelter operator shall notify the Department when a registered sex offender has checked into the shelter during a public emergency.

Section 4. Removal of Sex Offenders.

- A. The Department is hereby authorized, empowered and directed to establish and maintain a shelter that will be used solely to house sex offenders during a public emergency.
- B. Upon being notified that a registered sex offender is present at a general population emergency shelter, the Department shall cause the sex offender to be removed to the shelter established pursuant to subsection (A) of this section. If the Department determines that the sex offender cannot be moved safely, the Department shall take all steps practicable to have a law enforcement officer assigned to the shelter to monitor the sex offender.

Section 5. Penalties.

The failure of a registered sex offender to comply with the requirements of Section 3(A) of this law shall constitute an unclassified misdemeanor punishable by a fine of \$1000.

Section 6. Severability.

If any article, section, subsection, paragraph, phrase or sentence of this local law is for any reason held invalid or unconstitutional by any court of competent jurisdiction, that portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion hereof.

Section 7. Effective Date.

This law shall take effect immediately.

Referred to Law Committee. 5/12/08