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## **MUNICIPAL ORDINANCE - NEW YORK**

### **People v. Diack**

**Court of Appeals of New York - February 17, 2015 - N.E.3d - 2015 N.Y. Slip Op. 01376**

Defendant charged with violating local law prohibiting registered sex offenders from residing within 1,000 feet of a school moved to dismiss the information. The Nassau County District Court granted the motion. The People appealed. The Supreme Court, Appellate Term, reversed and remitted. Defendant appealed.

The Court of Appeals of New York held that:

- Design and purpose of state's enactment of series of laws regulating registered sex offenders was to preempt subject of sex offender residency restriction legislation, and
- County was preempted by state regulatory framework from enacting law prohibiting registered sex offenders from residing within 1,000 feet of a school.

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