

2481--A

Cal. No. 543

2011-2012 Regular Sessions

I N   S E N A T E

January 21, 2011

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Introduced by Sens. FLANAGAN, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and Correction -- recommitted to the Committee on Crime Victims, Crime and Correction in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the correction law, in relation to custody and visitation rights of a sex offender

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 168-w of the correction law, as relettered by chap-  
2     ter 604 of the laws of 2005, is relettered section 168-x and a new  
3     section 168-w is added to read as follows:  
4     S 168-W. CUSTODY AND VISITATION RIGHTS. 1. ANY SEX OFFENDER DESIGNATED  
5     AS A SEXUAL PREDATOR, OR A SEXUALLY VIOLENT OFFENDER, OR CLASSIFIED AS A  
6     LEVEL THREE RISK, FOR A CRIME INVOLVING A CHILD SHALL BE, EXCEPT IN  
7     EXTRAORDINARY CIRCUMSTANCES, PROHIBITED FROM BEING GRANTED BY A COURT  
8     PHYSICAL OR LEGAL CUSTODY OF, OR UNSUPERVISED VISITATION WITH, A CHILD.  
9     2. ANY SEX OFFENDER CLASSIFIED AS A LEVEL THREE RISK SHALL BE PRESUMED  
10    TO BE INELIGIBLE TO BE GRANTED PHYSICAL OR LEGAL CUSTODY OF, OR UNSUPER-  
11    VISED VISITATION WITH, A CHILD, AND A COURT SHALL GRANT PHYSICAL OR  
12    LEGAL CUSTODY OF, OR UNSUPERVISED VISITATION WITH, A CHILD ONLY IF THE  
13    SEX OFFENDER HAS PROVIDED CLEAR AND CONVINCING EVIDENCE THAT GRANTING  
14    SUCH CUSTODY OR VISITATION WILL BE IN THE BEST INTEREST OF THE CHILD.  
15    S 2. This act shall take effect on the first of November next succeed-  
16    ing the date on which it shall have become a law.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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