S T A T E O F N E W Y O R K

2599

2011-2012 Regular Sessions

I N S E N A T E

January 26, 2011

Introduced by Sen. SALAND -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing a presumption relating to custodial interference

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

Section 1. The penal law is amended by adding a new section 135.51 to read as follows:

S 135.51 CUSTODIAL INTERFERENCE; REBUTTABLE PRESUMPTION.

1. THERE IS A REBUTTABLE PRESUMPTION THAT A PERSON WHO HAS BEEN SERVED IN A MANNER AUTHORIZED BY SUBDIVISION ONE, TWO, THREE, OR FOUR OF SECTION THREE HUNDRED EIGHT OF THE CIVIL PRACTICE LAW AND RULES WITH A COURT ORDER GRANTING CUSTODY OR VISITATION OF A CHILD TO ANOTHER PERSON KNOWS THAT HE OR SHE HAS NO LEGAL RIGHT TO TAKE OR ENTICE SUCH CHILD IN VIOLATION OF SUCH ORDER.

2. THE REBUTTABLE PRESUMPTION ESTABLISHED BY SUBDIVISION ONE OF THIS SECTION SHALL NOT APPLY WHERE SUCH COURT ORDER GRANTING CUSTODY OR VISITATION OF THE CHILD WAS SERVED PURSUANT TO A COURT ORDER AUTHORIZING SERVICE BY PUBLICATION.

S 2. This act shall take effect on the first of November next succeeding 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.

LBD05323-01-1