

1452

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. FLANAGAN, MAZIARZ -- read twice and ordered printed,
and when printed to be committed to the Committee on Crime Victims,
Crime and Correction

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, 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.

LBD05629-01-3