

STATE OF NEW YORK

4784--B

2019-2020 Regular Sessions

IN ASSEMBLY

February 5, 2019

Introduced by M. of A. FALL, GLICK, HYNDMAN, TAYLOR, SAYEGH, CRUZ, COLTON, ROMEO, M. L. MILLER, D'URSO, CUSICK, GRIFFIN, PICHARDO, STIRPE, ARROYO, COOK, RICHARDSON, RIVERA, BUTTENSCHON, SIMON, ORTIZ, WILLIAMS, JEAN-PIERRE, McDONALD, JAFFEE, FRONTUS, NIOU -- Multi-Sponsored by -- M. of A. DE LA ROSA, EPSTEIN -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the domestic relations law, in relation to sex offender's custody of a child

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Paragraph (b) of subdivision 1-c of section 240 of the
2 domestic relations law, as amended by chapter 371 of the laws of 2013,
3 is amended to read as follows:
4 (b) Notwithstanding any other provision of this chapter to the contra-
5 ry, there shall be a rebuttable presumption that it is not in the best
6 interests of the child to:
7 (A) be placed in the custody of or to visit with a person who has been
8 convicted of one or more of the following sexual offenses in this state
9 or convicted of one or more offenses in another jurisdiction which, if
10 committed in this state, would constitute one or more of the following
11 offenses, when a child who is the subject of the proceeding was
12 conceived as a result:
13 ~~[(A)]~~ (1) rape in the first or second degree;
14 ~~[(B)]~~ (2) course of sexual conduct against a child in the first
15 degree;
16 ~~[(C)]~~ (3) predatory sexual assault; or
17 ~~[(D)]~~ (4) predatory sexual assault against a child; or

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

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1 (B) be placed in the custody of or have unsupervised visits with a
2 person who has been convicted of a felony sex offense, as defined in
3 section 70.80 of the penal law, or convicted of an offense in another
4 jurisdiction which, if committed in this state, would constitute such a
5 felony sex offense, where the victim of such offense was the child who
6 is the subject of the proceeding.

7 § 2. This act shall take effect immediately.