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

10516

I N A S S E M B L Y

April 2, 2010

Introduced by M. of A. TEDISCO -- Multi-Sponsored by -- M. of A. BACALLES, CALHOUN, HAWLEY, KOLB -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to increasing the penalties for custodial interference

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

Section 1. The closing paragraph of section 135.45 of the penal law is amended to read as follows:

Custodial interference in the second degree is a class [A misdemeanor] E FELONY.

S 2. The closing paragraph of section 135.50 of the penal law, as amended by chapter 785 of the laws of 1981, is amended to read as follows:

Custodial interference in the first degree is a class [E] D felony.

S 3. The penal law is amended by adding a new section 135.40 to read as follows:

S 135.40 CUSTODIAL INTERFERENCE IN THE THIRD DEGREE.

A PERSON IS GUILTY OF CUSTODIAL INTERFERENCE IN THE THIRD DEGREE WHEN, BEING A PARENT OF A CHILD LESS THAN SIXTEEN YEARS OLD, INTENDING TO HOLD SUCH CHILD PERMANENTLY OR FOR A PROTRACTED PERIOD OF TIME:

1. SUCH PERSON TAKES OR ENTICES SUCH CHILD FROM HIS OR HER LAWFUL CUSTODIAN IN VIOLATION OF A TEMPORARY CUSTODY DETERMINATION OR ORDER OF PROTECTION ISSUED DURING THE PENDENCY OF CUSTODY PROCEEDINGS; OR

2. SUCH PERSON TAKES OR ENTICES SUCH CHILD FROM HIS OR HER LAWFUL CUSTODIAN, NOTWITHSTANDING THE FACT THAT NO CUSTODY DETERMINATION OR ORDER OF PROTECTION HAS BEEN ISSUED, DURING THE PENDENCY OF SUCH PROCEEDINGS.

CUSTODIAL INTERFERENCE IN THE THIRD DEGREE IS A CLASS A MISDEMEANOR.

S 4. This act shall take effect on the fifteenth 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.

LBD15914-01-0