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

329

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. PAULIN, COOK, TITUS, WRIGHT, BENEDETTO, DESTITO, DINOWITZ, GALEF, HOOPER, MAGNARELLI, SCHROEDER, ROSENTHAL, SPANO, ENGLEBRIGHT -- Multi-Sponsored by -- M. of A. AUBRY, CAHILL, CANESTRARI, COLTON, FARRELL, GLICK, HIKIND, McENENY, MILLMAN, PERRY, PHEFFER, ROBINSON, TOWNS, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to non-support of a child where parent voluntarily reduces or terminates employment

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

Section 1. Subdivision 2 of section 260.05 of the penal law, as added by chapter 70 of the laws of 2008, is amended to read as follows:

2. being a parent, guardian or other person obligated to make child support payments by an order of child support entered by a court OR AGENCY of competent jurisdiction for a child less than eighteen years old, he or she knowingly fails or refuses without lawful excuse to provide support for such child when he or she is able to do so, or becomes unable to do so, when, though employable, he or she voluntarily terminates his or her employment, voluntarily reduces his or her earning capacity, or fails to diligently seek employment.

S 2. Paragraph (b) of subdivision 1 of section 260.06 of the penal law, as added by chapter 70 of the laws of 2008, is amended to read as follows:

(b) being a parent, guardian or other person obligated to make child support payments by an order of child support entered by a court OR AGENCY of competent jurisdiction for a child less than eighteen years old, he or she KNOWINGLY fails or refuses without lawful excuse to provide support for such child when he or she is able to do so, OR BECOMES UNABLE TO DO SO, WHEN, THOUGH EMPLOYABLE, HE OR SHE VOLUNTARILY

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

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TERMINATES HIS OR HER EMPLOYMENT, VOLUNTARILY REDUCES HIS OR HER EARNING CAPACITY OR FAILS TO DILIGENTLY SEEK EMPLOYMENT; and

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.