

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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. The penal law is amended by adding a new section 135.51 to  
2     read as follows:  
3     S 135.51 CUSTODIAL INTERFERENCE; REBUTTABLE PRESUMPTION.  
4     1. THERE IS A REBUTTABLE PRESUMPTION THAT A PERSON WHO HAS BEEN SERVED  
5     IN A MANNER AUTHORIZED BY SUBDIVISION ONE, TWO, THREE, OR FOUR OF  
6     SECTION THREE HUNDRED EIGHT OF THE CIVIL PRACTICE LAW AND RULES WITH A  
7     COURT ORDER GRANTING CUSTODY OR VISITATION OF A CHILD TO ANOTHER PERSON  
8     KNOWS THAT HE OR SHE HAS NO LEGAL RIGHT TO TAKE OR ENTICE SUCH CHILD IN  
9     VIOLATION OF SUCH ORDER.  
10    2. THE REBUTTABLE PRESUMPTION ESTABLISHED BY SUBDIVISION ONE OF THIS  
11    SECTION SHALL NOT APPLY WHERE SUCH COURT ORDER GRANTING CUSTODY OR VISI-  
12    TATION OF THE CHILD WAS SERVED PURSUANT TO A COURT ORDER AUTHORIZING  
13    SERVICE BY PUBLICATION.  
14    S 2. This act shall take effect on the first of November next succeed-  
15    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.

LBD05323-01-1