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

7662

2013-2014 Regular Sessions

I N A S S E M B L Y

May 29, 2013

Introduced by M. of A. GABRYSZAK -- read once and referred to the Committee on Correction

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

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

Section 1. Section 168-w of the correction law, as relettered by chapter 604 of the laws of 2005, is relettered section 168-x and a new section 168-w is added to read as follows:

S 168-W. CUSTODY AND VISITATION RIGHTS. 1. ANY SEX OFFENDER DESIGNATED AS A SEXUAL PREDATOR, OR A SEXUALLY VIOLENT OFFENDER, OR CLASSIFIED AS A LEVEL THREE RISK, FOR A CRIME INVOLVING A CHILD SHALL BE, EXCEPT IN EXTRAORDINARY CIRCUMSTANCES, PROHIBITED FROM BEING GRANTED BY A COURT PHYSICAL OR LEGAL CUSTODY OF, OR UNSUPERVISED VISITATION WITH, A CHILD.

2. ANY SEX OFFENDER CLASSIFIED AS A LEVEL THREE RISK SHALL BE PRESUMED TO BE INELIGIBLE TO BE GRANTED PHYSICAL OR LEGAL CUSTODY OF, OR UNSUPERVISED VISITATION WITH, A CHILD, AND A COURT SHALL GRANT PHYSICAL OR LEGAL CUSTODY OF, OR UNSUPERVISED VISITATION WITH, A CHILD ONLY IF THE SEX OFFENDER HAS PROVIDED CLEAR AND CONVINCING EVIDENCE THAT GRANTING SUCH CUSTODY OR VISITATION WILL BE IN THE BEST INTEREST OF THE CHILD.

S 2. This act shall take effect on the first 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.

LBD05629-01-3