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

1452

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. FLANAGAN, MAZIARZ -- read twice and ordered printed, and when printed to be committed to the Committee on Crime Victims, Crime and 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.

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