

# STATE OF NEW YORK

11125

## IN ASSEMBLY

June 7, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Otis, L. Rosenthal, Braunstein, Joyner, McDonald, Simotas) -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crime of misrepresentation by, or on behalf of, a caregiver for children

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. This act shall be known and may be cited as "Lulu and Leo's  
2 law".

3 § 2. The penal law is amended by adding a new section 260.35 to read  
4 as follows:

5 § 260.35 Misrepresentation by, or on behalf of, a caregiver for a child  
6 or children.

7 1. A person is guilty of misrepresentation by, or on behalf of, a  
8 caregiver for a child or children when he or she:

9 (a) intentionally makes a false written statement about himself,  
10 herself, or another person while he or she, or such other person, is  
11 being considered for employment, or while under employment as a caregiv-  
12 er to a parent or guardian of a child or children, or the agent of a  
13 parent or guardian, and

14 (b) such statement contains a materially false representation regard-  
15 ing the caregiver's background related to the ability to safely care for  
16 a child or children, and

17 (c) a reasonable person would have relied upon such statement in  
18 making an employment decision.

19 2. For the purposes of this section, "caregiver" shall mean a person  
20 employed by or being considered for employment to provide fifteen or  
21 more hours of care per week to a child or children in the home of such  
22 child or children or in the home of such caregiver, provided that such  
23 term shall not apply to a child day care provider required to be  
24 licensed pursuant to the social services law.

25 Misrepresentation by, or on behalf of, a caregiver for a child or  
26 children is a class B misdemeanor.

27 § 3. This act shall take effect on the sixtieth day after it shall  
28 have become a law.

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

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