STATE OF NEW YORK

8229--A

Cal. No. 1009

IN SENATE

April 20, 2018

Introduced by Sens. LANZA, HOYLMAN, KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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:

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

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

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

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

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

(b) such statement contains a materially false representation regarding the caregiver's background related to the ability to safely care for a child or children, and

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

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

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

§ 3. This act shall take effect on the sixtieth day after 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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