

# 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:

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 ten or more  
21 hours of care per week to a child or children in the home of such child  
22 or children or in the home of such caregiver, provided that such term  
23 shall not apply to a child day care provider required to be licensed  
24 pursuant to the social services law.

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