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:

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 fifteen 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 B 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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