STATE OF NEW YORK

11125--A

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 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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.

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

LBD15527-16-8

Misrepresentation by, or on behalf of, a caregiver for a child or children is a class A misdemeanor, provided, however, that if any sentence of imprisonment is imposed for a conviction under this section, term of imprisonment shall not exceed six months.

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