STATE OF NEW YORK

2836--C

2019-2020 Regular Sessions

IN SENATE

January 29, 2019

Introduced by Sen. SAVINO -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the domestic relations law and the family court act, in relation to sex offender's custody of a child

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

Section 1. Paragraph (b) of subdivision 1-c of section 240 of the domestic relations law, as amended by chapter 371 of the laws of 2013, is amended to read as follows:

(b) Notwithstanding any other provision of this chapter to the contrary, there shall be a rebuttable presumption that it is not in the best interests of the child to**:**

(A) be placed in the custody of or to visit with a person who has been convicted of one or more of the following sexual offenses in this state or convicted of one or more offenses in another jurisdiction which, if committed in this state, would constitute one or more of the following offenses, when a child who is the subject of the proceeding was conceived as a result:

[~~(A)~~] **(1)** rape in the first or second degree;

[~~(B)~~] **(2)** course of sexual conduct against a child in the first degree;

[~~(C)~~] **(3)** predatory sexual assault; or

[~~(D)~~] **(4)** predatory sexual assault against a child**; or**

(B) be placed in the custody of or have unsupervised visits with a person who has been convicted of a felony sex offense, as defined in section 70.80 of the penal law, or convicted of an offense in another

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

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jurisdiction which, if committed in this state, would constitute such a felony sex offense, where the victim of such offense was the child who is the subject of the proceeding.

§ 2. Subdivision (a) of section 651 of the family court act, as amended by chapter 85 of the laws of 1996, is amended to read as follows:

(a) When referred from the supreme court or county court to the family court, the family court has jurisdiction to determine, in accordance with [~~subdivision~~] **subdivisions** one **and one-c** of section two hundred forty of the domestic relations law and with the same powers possessed by the supreme court in addition to its own powers, habeas corpus proceedings and proceedings brought by petition and order to show cause, for the determination of the custody or visitation of minors.

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