

STATE OF NEW YORK

4784--C

2019-2020 Regular Sessions

IN ASSEMBLY

February 5, 2019

Introduced by M. of A. FALL, GLICK, HYNDMAN, TAYLOR, SAYEGH, CRUZ, COLTON, ROMEO, M. L. MILLER, D'URSO, CUSICK, GRIFFIN, PICHARDO, STIRPE, ARROYO, COOK, RICHARDSON, RIVERA, BUTTENSCHON, SIMON, ORTIZ, WILLIAMS, JEAN-PIERRE, McDONALD, JAFFEE, FRONTUS, NIOU -- Multi-Sponsored by -- M. of A. DE LA ROSA, EPSTEIN -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, 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:

- 1 Section 1. Paragraph (b) of subdivision 1-c of section 240 of the
2 domestic relations law, as amended by chapter 371 of the laws of 2013,
3 is amended to read as follows:
4 (b) Notwithstanding any other provision of this chapter to the contra-
5 ry, there shall be a rebuttable presumption that it is not in the best
6 interests of the child to:
7 (A) be placed in the custody of or to visit with a person who has been
8 convicted of one or more of the following sexual offenses in this state
9 or convicted of one or more offenses in another jurisdiction which, if
10 committed in this state, would constitute one or more of the following
11 offenses, when a child who is the subject of the proceeding was
12 conceived as a result:
13 [~~(A)~~] (1) rape in the first or second degree;
14 [~~(B)~~] (2) course of sexual conduct against a child in the first
15 degree;
16 [~~(C)~~] (3) predatory sexual assault; or

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

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1 ~~(D)~~ (4) predatory sexual assault against a child; or
2 (B) be placed in the custody of or have unsupervised visits with a
3 person who has been convicted of a felony sex offense, as defined in
4 section 70.80 of the penal law, or convicted of an offense in another
5 jurisdiction which, if committed in this state, would constitute such a
6 felony sex offense, where the victim of such offense was the child who
7 is the subject of the proceeding.

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

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

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