# STATE OF NEW YORK

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2836--B

2019-2020 Regular Sessions

# IN SENATE

January 29, 2019
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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

AN ACT to amend the domestic relations law, 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
17   [**(D)**] **(4)** predatory sexual assault against a child**; or**
18   **(B) be placed in the custody of or have unsupervised visits with a**
19 **person who has been convicted of a felony sex offense, as defined in**
20 **section 70.80 of the penal law, or convicted of an offense in another**
21 **jurisdiction which, if committed in this state, would constitute such a**
22 **felony sex offense, where the victim of such offense was the child who**
23 **is the subject of the proceeding**.
24   § 2. This act shall take effect immediately.

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