

# STATE OF NEW YORK

4782

2021-2022 Regular Sessions

## IN ASSEMBLY

February 8, 2021

Introduced by M. of A. B. MILLER -- read once and referred to the  
Committee on Correction

AN ACT to amend the correction law, in relation to custody and visita-  
tion rights of a sex offender

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

1 Section 1. Section 168-w of the correction law, as relettered by chap-  
2 ter 604 of the laws of 2005, is renumbered section 168-x and a new  
3 section 168-w is added to read as follows:

4 § 168-w. Custody and visitation rights. 1. Any sex offender designated  
5 as a sexual predator, or a sexually violent offender, or classified as a  
6 level three risk, for a crime involving a child shall be, except in  
7 extraordinary circumstances, prohibited from being granted by a court  
8 physical or legal custody of, or unsupervised visitation with, a child.

9 2. Any sex offender classified as a level three risk shall be presumed  
10 to be ineligible to be granted physical or legal custody of, or unsuper-  
11 vised visitation with, a child, and a court shall grant physical or  
12 legal custody of, or unsupervised visitation with, a child only if the  
13 sex offender has provided clear and convincing evidence that granting  
14 such custody or visitation will be in the best interest of the child.

15 § 2. This act shall take effect on the first of November next succeed-  
16 ing the date on which it shall have become a law.

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

LBD05583-02-1