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 visitation rights of a sex offender

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

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

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

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

§ 2. This act shall take effect on the first of November next succeeding 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.

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