

# STATE OF NEW YORK

846

2021-2022 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. JONES, 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 certain sex offenders

The People of the State of New York, represented in Senate and Assembly, 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 relettered 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 two or three risk, for a crime involving a child shall be, except  
7 in 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 two or three risk shall be  
10 presumed to be ineligible to be granted physical or legal custody of, or  
11 unsupervised visitation with, a child, and a court shall grant physical  
12 or legal custody of, or unsupervised visitation with, a child only if  
13 the sex offender has provided clear and convincing evidence that grant-  
14 ing such custody or visitation will be in the best interest of the  
15 child.

16 § 2. This act shall take effect on the first of November next succeed-  
17 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.

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