



NEW YORK STATE SENATOR

Robert G. Ortt

Ortt's Bill to Better Protect Children Passes in Senate

ROBERT G. ORTT May 28, 2015

| ISSUE: **CRIME, ABDUCTION, CHILD MOLESTATION, MURDER OR HOMICIDE**

Senator Ortt Passes the “Protect Our Children Act” Strengthening Laws Against Abuse and Endangerment of a Child

The “Protect Our Children Act” (S2964), sponsored by State Senator Rob Ortt (R,C,I – North Tonawanda), would help ensure appropriate punishment for cruel and repeated mistreatment of children. This bill passed today in the New York State Senate. The measure would create a new crime of aggravated murder of a child. An individual convicted of this crime would receive a life sentence without the possibility of parole.

The bill would also strengthen the current law of reckless assault of a child by creating the felony offenses of aggravated abuse of a child in the first, second and third degrees; aggravated manslaughter of a child; aggravated endangering the welfare of a child; aggravated murder of a child; obstructing the location of a missing child; and concealment of a death.

“This legislation is the next step we need to take in protecting our children,” said Sen. Ortt. “Anyone entrusted with the welfare of a child must be held to a higher standard that ensures they're truly protecting that child. Current law doesn't go far enough to protect our children from serious abuse. Quite frankly, our children deserve better than a legal loophole and I hope the Assembly Majority will act on this common sense measure to prevent further,

potentially fatal, abuse.”

Current law relating to reckless assault of a child would be expanded in the “Protect Our Children Act.” The law, which currently only applies to day care providers, now would apply to a parent, guardian or person in a position of trust who recklessly causes physical injury to a child under the age of 14. The bill indentifies a person in a position of trust to mean any person who is charged with any duty or responsibility for the health, education, welfare, supervision or care of a child, no matter how brief a time period it may be.

A felony offense would be created for the new statute of aggravated endangering the welfare of a child. This provision would create the crime of failing to notify law enforcement when the whereabouts of a missing young child is unknown.

Repeat child abusers would have increased penalties.

Existing statutes often make prosecuting child abuse very difficult, or current laws carry such disproportionately low punishments that they essentially have no meaningful consequences. Under current law, unless physical injury results, the infliction of sadistic, painful, dangerous punishments on children can typically be charged only as misdemeanors. Other low-level charges with probationary sentences are not seen as sufficient to protect the most vulnerable children. The “Protect Our Children Act” would fix these problems.

The bill has been sent to the Assembly.