



NEW YORK STATE SENATOR

Craig M. Johnson

Senate Passes Johnson-Backed Bill to Mandate Life Without Parole for Child Killers

CRAIG M. JOHNSON June 27, 2010

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The Senate Democratic Majority today passed critical legislation that would have those responsible for the intentional death of a child subject to the strictest possible punishment under the law, Senator Craig M. Johnson, (D-Nassau), announced.

The Child Protection Act of 2010 (S7705) establishes the class A-I felony of aggravated murder of a child. The penalty for this crime would be life imprisonment without the possibility of parole. Aggravated Murder of a Child includes:

- Intentional killing of a person under 14 while in the course of committing rape, criminal sexual acts, aggravated sexual abuse or incest against such child.*
- Depraved indifference or intentional killing of a person under 14 while being legally responsible for the care of such child.*

“Those who are responsible for the death of a child simply deserve the harshest allowable sentence,” said Senator Johnson, who helped sponsor this legislation. “As a Senator – and more importantly as a father of three – I am proud to have worked with my colleagues to ensure that New York has one of the toughest possible laws to deal with this horrific crime. It is my hope that the Assembly follows our lead and takes up this critically important legislation.”

The bill also strengthens other parts of the state’s penal law, establishing the offenses of aggravated manslaughter of a child, aggravated abuse of a child in the first, second and third degrees, and aggravated endangering the welfare of a child. Additionally, it:

- Defines a new class D violent felony of aggravated abuse of a child in the second degree and a new class C violent felony of aggravated abuse of a child in the first degree.*
- Provide that a prosecution for aggravated murder of a child or aggravated manslaughter of a child cannot be terminated upon the consent of the parties.*
- Provides that a child witness called to testify before the grand jury may be accompanied by a social worker, psychologist, or other professional to provide emotional support when giving testimony regarding a charge of aggravated murder of a child, aggravated manslaughter of a child, aggravated abuse of a child in the first, second or third degree or aggravated endangering the welfare of a child.*

• Provides that a person convicted of the new crimes of aggravated murder of a child, aggravated manslaughter of a child, aggravated abuse of a child in the first, second or third degree or aggravated endangering the welfare of a child must give a DNA sample for inclusion in the DNA database.

• Renames the crime reckless assault of a child by a child day care provider to aggravated abuse of a child in the third degree. This E felony, which formerly only applied 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 age 14.