



NEW YORK STATE SENATOR

Pedro Espada Jr.

Senator Espada Keeping Kids Safe:

PEDRO ESPADA, JR. June 29, 2010

| ISSUE: **CRIME, VICTIMS, CHILDREN, DOMESTIC VIOLENCE, RAPE**

MANDATES LIFE WITHOUT PAROLE FOR CHILD KILLERS

*Child Protection Act of 2010 Strengthens Penal Law,
Establishes New Penalties for Murder & Rape of a Child*

(Bronx, NY) Senate Majority Leader Pedro Espada, Jr. and the Senate Democratic Majority passed some of the strongest laws in the country making those responsible for the intentional death of a child punishable to the very fullest extent of the law – life without the opportunity for parole.

The Majority's legislation, the Child Protection Act of 2010 (S7705) establishes the class A-I felony of aggravated murder of a child; under this charge the sentence is life imprisonment without parole. Aggravated murder 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.

“Anyone who commits a violent act against an innocent child should be punished to the

fullest extent of the law,” Senator Espada said. “The Child Protection Act of 2010 is needed to enhance protections for children and to hold those who harm them responsible in an effort to stop serious abuse before it turns fatal.”

The law 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, the law:

- 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.
- 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, among other measures.

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