



NEW YORK STATE SENATOR

Shirley L. Huntley

## Child Protection Act 2010

SHIRLEY L. HUNTLEY July 5, 2010

| ISSUE: **FAMILIES, CHILDREN, RAPE**

**New From Senator Shirley L. Huntley**

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### **SENATOR HUNTLEY KEEPING KIDS SAFE: MANDATES LIFE WITHOUT PAROLE FOR CHILD KILLERS**

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

(D-Jamaica) Senator Shirley L. Huntley 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 (S.7705) 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.

Parents and caregivers have an obligation to support and protect their children and yet in 2008, the New York State Child Protective Services reported that more than 161,000 children were neglected and abused. Abusers and victims of abuse belong to no specific social class, race or ethnicity. Not only that, but victims can be as young as one year old. By help passing this legislation, Senator Huntley sends a message to child abusers and murderers that they will be punished to the fullest extent of the law.

“Anyone who commits a violent act against an innocent child should be punished to the fullest extent of the law,” Senator Huntley 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 torture and abuse inflicted on many children are simply unimaginable. According to actual abuse cases by caregivers, children have been forced to kneel on rice or piles of pencils for hours, stand outside for hours on winter nights wearing only underpants, gargle with and drink Tabasco sauce, they been hung out of upper-story windows while being held by their ankles, they also remain locked in closets or in cabinets and even chained to radiators for hours on end. Parents and caregivers who subjected children to such abuse were only charged with misdemeanors. The Senate Democratic Majority recognized the severity of this issue and the need for harsher punishment because no child or person should have to suffer such type of emotional, psychological and physical pain.

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.

No child should have to suffer, especially at the hands of their own parent or legal guardian and if abuse does occur, the crime will not go unpunished. So if you see something, say something, because not saying anything can cost a child their life. Contact the New York State Child Abuse Hotline (State Central Register) at 1-800-342-3720.

For more information visit <http://open.nysenate.gov/legislation/api/1.0/html/bill/S7705>