



NEW YORK STATE SENATOR

Ruth Hassell-Thompson

Majority Mandates Life Without Parole for Child Killers

RUTH HASSELL-THOMPSON July 8, 2010

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

(Albany, NY) 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/Hassell-Thompson) 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.

Senator Ruth Hassell-Thompson (D-Mt. Vernon), Chairwoman of the Committee on Crime Victims, Crime and Corrections, and lead sponsor of this bill said, “This legislation, known as the Child Protection Act of 2010, was introduced in response to the need to enhance protection for children and has the potential to stop serious forms of child abuse before they turn fatal. Currently, even if abuse is inflicted regularly for years, only a misdemeanors can be charged. There are many cases where children who are the most vulnerable are abused for long periods of time and are ultimately killed. This legislation will provide law enforcement and the courts with more effective tools to protect children before the abuse 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.
- 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.