



NEW YORK STATE SENATOR

James L. Seward

Seward Co-sponsors "Protect Our Children Act"

JAMES L. SEWARD July 21, 2011

| ISSUE: **CRIME, VICTIMS**

ALBANY, 07/21/11 – State Senator James L. Seward (R/C/I-Oneonta) today joined senate colleagues in introducing legislation that would make sweeping, comprehensive changes to the state’s child protection laws. The “Protect Our Children Act” (S.5862) includes provisions related to the reporting of missing children, will shield children from cruel and repeated abuse and increases penalties for child predators.

The bill comes in the wake of Caylee Anthony’s tragic murder case and the murder of eight-year-old Leiby Kletzky in Brooklyn, and includes more than two dozen provisions aimed at strengthening New York State laws.

“Crimes against children are among the most serious offenses and must be treated in such a manner,” said Senator Seward. **“Parents and guardians who are meant to protect children violate a sacred trust when they do otherwise - they need to be held accountable.”**

Several provisions of the legislation relate to the reporting of missing children including:

- Create a new felony for concealing the death of a child. A death of a child is profoundly tragic, and the concealment of such not only could interfere with the prosecution of the one responsible for the death by loss of evidence, but could also prolong the agony of the family as they search for their loved one with misplaced hope;

- Create a new felony for failing to notify law enforcement when the whereabouts of a young child is unknown for more than 24 hours;
- Create new felony offenses for obstructing the location of a missing child.

“Every second counts in the search for a missing child. A prompt report can be the difference between the safe return of a child and tragedy. It is beyond belief and downright dangerous that a parent or guardian would not immediately report to the authorities when their child goes missing. Creating a felony crime for those who fail in this most basic responsibility is the right thing to do and will help bring individuals who fail their children to justice.”

In addition, the bill would expand an existing law of aggravated abuse of a child which makes it a crime when someone recklessly causes physical injury to a child under the age of 14. The law currently applies only to day care providers, but this bill would expand it to also apply to parents, guardians or a person in a position of trust.

Other provisions would:

- Create a felony child endangering statute to protect children from especially cruel and sadistic conduct. Under current law, unless physical injury results, the infliction on children of sadistic, painful, dangerous punishments can typically be charged only as misdemeanors;
- Create a statute to protect children from serious reckless abuse. To the extent existing laws address reckless conduct, they minimize the seriousness by treating it as a low level offense or often include the requirement that the conduct be "depraved," an element that New York courts have in recent years interpreted in a way that is extremely difficult to prove; and
- Increase penalties for repeat child abusers.

“This is comprehensive legislation that strengthens state law in several areas, ensuring that children are safe-guarded and criminals are appropriately punished. By increasing the penalties for various types of offenses against children, which currently are far too lenient, we are providing law enforcement and prosecutors with the tools needed to put these predators away for an extended

period of time.”