



NEW YORK STATE SENATOR

Timothy M. Kennedy

Senator Kennedy to Introduce Legislation to Deliver Justice for Victims of Child Abuse

TIMOTHY M. KENNEDY August 25, 2011

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Legislation to fix gap in law that let North Tonawanda man off with light sentence after repeat child abuse

BUFFALO, N.Y. – To protect victims of child abuse and deliver justice, Senator Timothy M. Kennedy, D-58th District, will introduce legislation to strengthen penalties against violent offenders who hurt children. Kennedy's bill will fix the gap in the law that let a violent North Tonawanda man off with a light sentence of 1 to four years in prison after severely injuring two of his children.

"A gap in state law has led to an absolutely repulsive situation. A man has been handed a light sentence after committing unthinkable brutal acts of violence against his own children," Senator Kennedy said. "The judge handed down the harshest sentence she could, but it's simply not enough. This violent offender should be locked up behind bars for far longer than he will be. We need to fix state law to protect victims of child abuse and ensure justice is served."

The 1 -to-four-year sentence imposed was a result of the defendant, Jeremy J. Bolvin, securing a plea bargain of third-degree assault and attempted second-degree assault. Bolvin ruthlessly

and repeatedly beat his **infant son**, leaving the boy with 11 fractured bones and epilepsy. In 2007, Bolvin was convicted of assault in the third degree after beating another one of his sons and breaking his arm.

Senator Kennedy's legislation will ensure that repeat violent offenders like Bolvin are hit with more severe penalties. Under the bill, an adult will be charged with aggravated assault upon a person less than eleven years old, if he was previously convicted of assault after hurting a child within the preceding 10 years. This measure strengthens state law by expanding the time window for an aggravated assault charge from three to 10 years.

The legislation would also amend the penal law to make aggravated assault upon a person less than eleven years old a class D felony. If, after release from prison, a third child abuse offense occurs, the aggravated assault charge will become a class B felony. A class D felony carries a maximum sentence of 7 years, while a class B felony has a maximum sentence of 25 years.

"As a father of three children, I was appalled by this case," Senator Kennedy added. "When it becomes law, our legislation will ensure that New York State does a better job of protecting children. A person who inflicts such suffering upon a child must be harshly punished for this deplorable behavior."