

Senator Fuschillo Announces New Law to Toughen Penalties for Child Abusers

CHARLES J. FUSCHILLO JR. July 31, 2013

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New Law Increases the Look-Back Period to Elevate Penalties for Assault on a Child Younger Than 11 Years Old

Senator Charles J. Fuschillo, Jr. (R-Merrick) recently announced that legislation he supported enacting Jay-J's Law, which allows for tougher penalties against offenders who have been convicted of repeatedly abusing a child, has been signed into law by Governor Andrew Cuomo.

"Child abuse is a deplorable crime that must be met with the strictest of punishments," said Senator Fuschillo. "As a father myself, I cannot imagine how anyone could cause harm to a defenseless child and expect to get away with it. By increasing the look-back period to 10 years, we can convict these shameful individuals for their heinous crimes and give the innocent victims the justice they deserve. I commend Governor Cuomo for signing Jay-J's law."

The new law increases the look-back period to elevate penalties for assault on a child younger than 11 years old from three years to 10 years. Intentionally causing physical injuries to a child under 11 is a misdemeanor punishable by up to a year in jail. This charge could be elevated to a class E felony of aggravated assault upon a person less than 11 years old if the abuser had a prior conviction for the same crime. That charge carries a maximum four-year prison sentence.

Jay-J's Law is named after Jay-J Bolvin, who was severely beaten by his father in 2011, leaving him with 11 fractured bones and epilepsy. Jay-J's father had been convicted of thirddegree assault in 2007 for beating another of his sons and breaking his arm. For the assault on Jay-J., his father was allowed to plead guilty to misdemeanor assault, because the prior conviction was not an enhancing factor because it occurred outside of the three year lookback period.

The new law is effective immediately.