



NEW YORK STATE SENATOR

Timothy M. Kennedy

Senator Kennedy Announces Stronger Penalties for Endangering the Welfare of a Child Unanimously Approved in Senate

TIMOTHY M. KENNEDY May 7, 2014

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Kennedy-cosponsored bill will establish a felony offense of first-degree endangering the welfare of a child; current law only allows for misdemeanor charges.

BUFFALO, N.Y. – Senator Tim Kennedy, D-Buffalo, announced the State Senate unanimously passed legislation today that will strengthen penalties against those who harm or abuse

children. This bill, which Senator Kennedy cosponsored, will establish a felony offense of first-degree endangering the welfare of a child. Current law only allows for misdemeanor charges to be imposed for child endangerment.

“New York State needs to do more to protect children and strengthen penalties against violent individuals who abuse children. This legislation is an important step forward,” said Senator Kennedy. “In far too many cases, child abusers have been let off with light prison sentences even after committing disturbing, violent crimes against children. That’s especially true in the case of little Jay-J Bolvin who suffered extreme abuse that left him with 11 broken bones and developmental delays. This little boy is enduring a life sentence of struggles as a result of this violent abuse, while his abuser – his own father – was only given a four-year prison sentence and only had to serve 2 ½ years of that sentence behind bars.

“It’s an appalling situation, a serious injustice and a frustrating reminder that New York State must finally heed our call for even harsher penalties against those who abuse children,” Kennedy added.

Under current law, individuals can be charged with endangering the welfare of a child for a wide array of potential offenses, from abandonment to some instances of physical abuse. However, this crime is only punishable with a misdemeanor. **This legislation (S.2475) will strengthen penalties against those who abuse children** by establishing a first-degree felony charge of endangering the welfare of a child that can be imposed when an individual has committed certain aggravated offenses. This new crime will be a class D felony, which is punishable by up to seven years in prison.

An individual will be charged with first-degree endangering the welfare of a child when he or she knowingly acts in a manner which creates a risk of either serious physical injury or prolonged impairment of a child’s mental or emotional condition. This enhanced charge will

also be imposed if an individual commits the offense against a child less than eleven years old, or if they impose serious physical injury on a child less than 17 years old, or if they were previously convicted of another crime against children.

The current offense of endangering the welfare of a child will be reclassified in state law as second-degree endangering the welfare of a child, and it will remain a class A misdemeanor, which is punishable by up to one year in prison.

The bill now goes to the Assembly for approval, before it can be sent to the Governor for his signature.

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Senator Timothy M. Kennedy represents the New York State Senate's 63rd District, which is comprised of the town of Cheektowaga, the city of Lackawanna and nearly all of the city of Buffalo. More information is available at <http://kennedy.nysenate.gov>.