



NEW YORK STATE SENATOR

Mark Grisanti

Grisanti Sponsored Bill To Protect Children Passes New York State Senate

MARK GRISANTI May 21, 2014

| ISSUE: **CRIME**



The bill (S1721B) 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.

"This legislation will help to protect our children from anyone who is put in a position of trust to care for them and instead commits the ultimate violation by abusing them in some way," said Senator Grisanti. "This bill would increase the severity of punishment for anyone who would cause harm to a child; I am calling on the Assembly to pass this legislation immediately."

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. The legislation identifies a person in a position of trust to mean any person who is charged with any duty or responsibility for the health, education, welfare, supervision or care of another person either independently or through another person under 14 years of age, no matter how brief a time period it may be.

Other provisions of the bill include the following:

- * Create a new felony for concealing the death of a child. A death of a child is profoundly tragic and concealment could not only interfere with the prosecution of who is responsible for the death by loss of evidence but could also prolong the agony of the victim's 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.

- * 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.

- * Increase penalties for repeat child abusers.

The bill was sent to the Assembly.