



NEW YORK STATE SENATOR

John J. Flanagan

Senate Passes Measures To Protect Children

JOHN J. FLANAGAN May 12, 2015

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The New York State Senate today passed four bills to promote the safety and well-being of children and families. The measures would prevent felons from working in child day care programs, increase penalties for child endangerment, protect consumers by preventing unauthorized vendors from selling items like baby food, and help keep military families together by eliminating deployment as a barrier to child custody.

Senate Majority Leader John Flanagan (R-C-I, East Northport) said, "Children should always be a top priority and we're committed to helping families ensure that their children grow up in a safe and nurturing environment. These initiatives passed today will help protect our children and take the right steps to make certain that the people who are responsible for their care are the most qualified and will keep a child's best interests at heart."

The Senate passed legislation (S1472A) sponsored by Senator Martin Golden (R-C-I, Brooklyn) that would help ensure that young children are not being cared for by felons with a history of serious crimes. This measure would prohibit convicted criminals from working in child day care programs. Under this legislation, if a person has been convicted of a felony because of a sex offense, crime against a child, or crime involving violence, or a conviction for a felony drug-related offense within the past five years, they would be denied an operating license and employment at a child day care facility. The bill also removes the Office of Children and Family Services' existing discretion to permit criminals to participate in child day care programs.

Senator Golden said, "Working with my colleagues in the New York State Senate, today we have taken action to close a loophole that rightly prevents an individual with a specific criminal record from working in a day care facility. As the law stands now, if the Office of Children and Family Services determines that one's past criminal activity will not jeopardize the health and safety of the children, they are allowed to hold such a position. To me, as a parent and as a former New York City Police Officer, that risk is too great. We must make

this the year we change the law and end this possibility that places young children in danger."

In addition, the Senate passed legislation that creates a felony crime of endangering the welfare of a child. The bill (S3362), sponsored by Senator Andrew Lanza (R-C-I, Staten Island), makes it a class D violent felony offense, punishable up to seven years in prison, if a person has been previously charged with child endangerment. Under current law, the crime is a misdemeanor offense no matter how many times an individual has been charged with that crime in the past.

Senator Lanza said, "Endangering the Welfare of a Child' is a broadly defined crime that includes offenses ranging from leaving a child in a car unattended under dangerous circumstances to extreme physical abuse, all of which are treated as misdemeanors. This bill would enact stronger penalties against those who put children in harm's way."

The Senate passed legislation (S3297) sponsored by Senator Michael Ranzenhofer (R-C-I, Amherst) that would prevent a military member's deployment or probability of deployment from being a detrimental factor when determining child custody if a suitable child care plan is presented.

Senator Ranzenhofer said, "Members of our Armed Forces being deployed to hostile territories around the globe or to other locations around the nation should not lose custody of their children solely because they may be deployed away from their family. This legislation will prevent the court from using this as a detrimental factor. This is a necessary safeguard for our military personnel who put their lives on the line to protect our freedoms, and I am pleased it has passed the State Senate."

The Senate also passed a bill (S3840) sponsored by Senator Michael Venditto (R-C-I, Massapequa) that would establish a new law to prevent itinerant vendors from selling baby food and other items, including nonprescription drugs, cosmetics, and batteries.

Senator Venditto said, "This legislation protects our most precious gift- our children- from compromised baby food and other nonprescription drugs. When these items are sold for resale at flea markets they become compromised when exposed to sunlight and heat and they put the health and safety of our children at risk. I am proud that today we are closing this dangerous loophole."

The bills have been sent to the Assembly.