



NEW YORK STATE SENATOR

Jack M. Martins

Senate Approves Senator Martins' Legislation to Protect Children

JACK M. MARTINS June 12, 2015

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Legislation Would Protect Good Samaritans Who Rescue an Endangered Child in a Car From Liability

Senator Jack M. Martins (R-7th Senate District) announced that the New York State Senate has passed legislation he sponsored to help prevent children from dying by being trapped in an overheated car. The legislation would ensure that Good Samaritans who forcibly enter a car to rescue a child locked inside are exempt from liability.

“This legislation is entirely about saving children’s lives. A car left in the sun becomes an oven in a matter of minutes; a child locked in that car is literally in a life or death situation. When someone sees an unattended child trapped in a car, we want them to take action to protect that child, not ignore it. Exempting Good Samaritans from liability will help encourage people to rescue children from a potentially deadly situation,” said Senator Martins.

Under the legislation (S240) Good Samaritans who forcibly enter a vehicle for the sole purpose of rescuing a young child would be protected from any liability. Anyone who forcibly enters the vehicle to rescue a child must also notify 911 or first responders immediately before or after entering the vehicle and remain with the child on-site until help arrives. The states of Tennessee, Virginia, and Oklahoma have enacted similar laws.

According to SafeKids.org, a national non-profit child safety organization, even on a mild 70 degree day, the temperature inside of a car can rise nearly 20 degrees in 10 minutes, and continue to heat up with each passing minute. As a result, car interiors can reach temperatures far exceeding those outside, even if the windows are cracked. A child's body heats up three to five times faster than an adults, making them especially vulnerable to heat stroke.

These tragedies occur an average of once every nine days in the U.S., according to KidsAndCars.org, a nationally recognized not-for-profit children's safety organization. Last year on Long Island, a Maryland man left his two year old daughter locked in his truck while he shopped at the Walt Whitman Mall. The girl was left alone in the car for twenty minutes until a bystander heard her crying and called the police, who rescued her by breaking into the vehicle. The temperature in the vehicle reached 120 degrees.

"Children should never be left alone in a car, not even for a minute. Someone who finds an unattended child locked in a car should be allowed to take appropriate action to protect that child's safety. Senator Martins' legislation is a very positive step that would save lives and prevent tragedies, and I applaud its passage," said Susan Auriemma, Vice President of KidsAndCars.org and a Manhasset resident.

"No child should die because they were left in a car alone. These tragedies are 100 percent preventable. Encouraging people to take action when they see a child in a dangerous situation will help save lives. We are pleased to support Senator Martins' legislation," said Rosemarie Ennis, Director of New York State Safe Kids and a Mineola resident.

The legislation has been sent to the Assembly.