



NEW YORK STATE SENATOR

Robert G. Ortt

## Ortt's Bill to Better Protect Children Passes in Senate

ROBERT G. ORTT June 7, 2016

| ISSUE: **CHILD ABUSE, CHILDREN AND FAMILIES**



ALBANY – The New York State Senate today passed legislation sponsored by Senator Rob Ortt (R,C,I – North Tonawanda) that would help ensure appropriate punishment for cruel and repeated mistreatment of children. The “Protect Our Children Act” (S2964B) would create harsher penalties, and would strengthen existing statutes making it easier to prosecute child abuse.

The bill creates the new felony offenses of aggravated abuse of a child in the first, second and third degrees; aggravated manslaughter of a child; aggravated endangering the welfare

of a child; aggravated murder of a child; and obstructing the location of a missing child. An individual convicted of the new crime of aggravated murder of a child, a class A-I felony, would receive a life sentence without the possibility of parole.

**Senator Ortt said,** “This legislation is the next step we need to take in protecting our children. Anyone entrusted with the welfare of a child must be held to a higher standard that ensures they're truly protecting that child. Current law doesn't go far enough to protect our children from serious abuse. Quite frankly, our children deserve better than a legal loophole, and I hope the Assembly Majority will act on this common sense measure to prevent further, potentially fatal, abuse.”

Current law relating to reckless assault of a child would be expanded in the “Protect Our Children Act,” and renamed as aggravated abuse of a child in the third degree. The law, which currently only applies to day care providers, would now apply to a parent, guardian or person in a position of trust who recklessly causes serious physical injury to a child under the age of 14. The bill indentifies 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 a child, no matter how brief a time period it may be.

A class E felony offense would be created for the new statute of aggravated endangering the welfare of a child. This provision would create the crime of failing to notify law enforcement when the whereabouts of a child is unknown by a parent or guardian for more than 24 hours.

Obstructing the location of a missing child would also be a class E felony. This provision would create the crime of providing false information to law enforcement officials as to the whereabouts of a child less than 14 years old who has been reported missing, or whose whereabouts has been unknown for more than 24 hours.

Repeat child abusers would have increased penalties.

Existing statutes often make prosecuting child abuse very difficult, or current laws carry such disproportionately low punishments that they essentially have no meaningful consequences. Under current law, unless physical injury results, the infliction of sadistic, painful, dangerous punishments on children can typically be charged only as misdemeanors. Other low-level charges with probationary sentences are not seen as sufficient to protect the most vulnerable children. The “Protect Our Children Act” would fix these problems.

The Senate first passed the “Protect Our Children Act” in May of 2015. It later died in the Assembly.

The bill is being sent to the Assembly.

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#### RELATED LEGISLATION

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### **2015-S2964B**

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- Introduced
  
- ○ In Committee Assembly
  - In Committee Senate
  
- ○ On Floor Calendar Assembly
  - On Floor Calendar Senate

- ○ Passed Assembly
  - Passed Senate
- Delivered to Governor
- Signed By Governor
- 

Enacts the "protect our children act"; repealer

January 30, 2015

In Assembly Committee

Sponsored by **Robert G. Ort**

Do you support this bill?