

STATE OF NEW YORK

9638

IN ASSEMBLY

January 29, 2020

Introduced by M. of A. SOLAGES -- read once and referred to the Committee on Codes

AN ACT to amend to the penal law, in relation to making the provisions of the safe haven law applicable to children up to sixteen years of age

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 260.00 of the penal law, as amended by chapter 447
2 of the laws of 2010, is amended to read as follows:

3 § 260.00 Abandonment of a child.

4 1. A person is guilty of abandonment of a child when, being a parent,
5 guardian or other person legally charged with the care or custody of a
6 child less than [~~fourteen~~ sixteen] years old, he or she deserts such
7 child in any place with intent to wholly abandon such child.

8 2. A person is not guilty of the provisions of this section when he or
9 she engages in the conduct described in subdivision one of this section:

10 (a) with the intent that the child be safe from physical injury and
11 cared for in an appropriate manner; (b) the child is left with an appro-
12 priate person, or in a suitable location and the person who leaves the
13 child promptly notifies an appropriate person of the child's location;
14 and (c) the child is not more than [~~thirty days~~ sixteen years] old.

15 Abandonment of a child is a class E felony.

16 § 2. Subdivision 3 of section 260.10 of the penal law, as added by
17 chapter 447 of the laws of 2010, is amended to read as follows:

18 3. A person is not guilty of the provisions of this section when he or
19 she engages in the conduct described in subdivision one of section
20 260.00 of this article: (a) with the intent to wholly abandon the child
21 by relinquishing responsibility for and right to the care and custody of
22 such child; (b) with the intent that the child be safe from physical
23 injury and cared for in an appropriate manner; (c) the child is left
24 with an appropriate person, or in a suitable location and the person who
25 leaves the child promptly notifies an appropriate person of the child's
26 location; and (d) the child is not more than [~~thirty days~~ sixteen years]
27 old.

28 § 3. This act shall take effect immediately.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[-] is old law to be omitted.

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