

STATE OF NEW YORK

8100

2021-2022 Regular Sessions

IN ASSEMBLY

June 11, 2021

Introduced by M. of A. McMAHON -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, the penal law, and the arts and cultural affairs law, in relation to participants in youth programs sponsored by fire departments

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

1 Section 1. Subdivisions 5 and 7 of section 204-b of the general municipal law, as added by chapter 386 of the laws of 1978, are amended to
2 read as follows:

3
4 5. All activities of participants in such program shall be approved in
5 advance by the chief, or his or her designee. [~~No activities may include~~
6 ~~emergency duties in connection with fire department or fire company~~
7 ~~operations or any other hazardous activity.~~] Participants may respond to
8 an emergency or hazardous activity, but shall remain in a designated
9 area that has been established by the chief or officer in charge. The
10 chief or officer in charge shall determine if any such participant is
11 allowed to respond to an emergency in a vehicle using lights and/or
12 sirens. Furthermore, such participants may not enter a burning struc-
13 ture nor shall participants in a youth program pursuant to this section
14 fall under the definition of active volunteer firefighter as defined in
15 section three of the volunteer firefighters' benefit law.

16 7. Volunteer fire departments and fire companies may purchase accident
17 insurance to insure participants in such programs against injury or
18 death resulting from bodily injuries sustained in performance of
19 approved activities. In addition, they may purchase insurance to protect
20 against liability arising from approved activities. The insurance
21 purchased pursuant to this subdivision may include medical and hospital
22 coverage. A volunteer fire department or fire company shall not allow
23 participants in such program to ride in any vehicle owned or operated by
24 such volunteer fire department or fire company, unless such volunteer

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

LBD11600-01-1

1 fire department or fire company has purchased insurance protecting
2 against liability that could arise from such participant being injured
3 in an accident while riding in such vehicle.

4 § 2. Section 260.10 of the penal law, as amended by chapter 447 of the
5 laws of 2010, is amended to read as follows:

6 § 260.10 Endangering the welfare of a child.

7 1. A person is guilty of endangering the welfare of a child when:

8 [~~1-~~] (a) He or she knowingly acts in a manner likely to be injurious
9 to the physical, mental or moral welfare of a child less than seventeen
10 years old or directs or authorizes such child to engage in an occupation

11 involving a substantial risk of danger to his or her life or health; or
12 [~~2-~~] (b) Being a parent, guardian or other person legally charged with
13 the care or custody of a child less than eighteen years old, he or she
14 fails or refuses to exercise reasonable diligence in the control of such
15 child to prevent him or her from becoming an "abused child," a
16 "neglected child," a "juvenile delinquent" or a "person in need of
17 supervision," as those terms are defined in articles ten, three and
18 seven of the family court act.

19 [~~3-~~] 2. A person is not guilty of the provisions of this section when
20 he or she engages in the conduct described in subdivision one of section
21 260.00 of this article: (a) with the intent to wholly abandon the child
22 by relinquishing responsibility for and right to the care and custody of
23 such child; (b) with the intent that the child be safe from physical
24 injury and cared for in an appropriate manner; (c) the child is left
25 with an appropriate person, or in a suitable location and the person who
26 leaves the child promptly notifies an appropriate person of the child's
27 location; and (d) the child is not more than thirty days old.

28 3. A volunteer fire department or fire company or a member thereof
29 shall not be guilty of a violation of this section for engaging in
30 actions authorized under section two hundred four-b of the general
31 municipal law as part of a youth program.

32 Endangering the welfare of a child is a class A misdemeanor.

33 § 3. Paragraph (e) of subdivision 1 of section 35.07 of the arts and
34 cultural affairs law is amended to read as follows:

35 (e) In any practice or exhibition or place dangerous or injurious to
36 the life, limb, health or morals of such child provided, however, that
37 the provisions of this paragraph shall not apply to: (i) service as a
38 member of a certified volunteer ambulance service under the supervision
39 of an emergency medical technician as provided in article thirty of the
40 public health law by youthful volunteers at least fifteen years of age
41 who hold a current American Red Cross advanced first aid and emergency
42 care card; or (ii) participation in activities authorized under section
43 two hundred four-b of the general municipal law as part of a youth
44 program.

45 § 4. This act shall take effect immediately.