

10329

I N A S S E M B L Y

March 18, 2010

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

AN ACT to amend the penal law, in relation to the abandoned infant protection act

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Section 260.03 of the penal law, as added by chapter 156 of  
2 the laws of 2000, is amended to read as follows:  
3 S 260.03 Abandonment of a child; defense.  
4 In any prosecution for abandonment of a child, pursuant to section  
5 260.00 of this article, based upon an alleged desertion of a child not  
6 more than [five days] THREE MONTHS old with an intent to wholly abandon  
7 such child, it is an affirmative defense that, with the intent that the  
8 child be safe from physical injury and cared for in an appropriate  
9 manner, the defendant left the child with an appropriate person or in a  
10 suitable location and promptly notified an appropriate person of the  
11 child's location.  
12 S 2. Subdivision 2 of section 260.15 of the penal law, as added by  
13 chapter 156 of the laws of 2000, is amended to read as follows:  
14 2. based upon an alleged desertion of a child not more than [five  
15 days] THREE MONTHS old, it is an affirmative defense that, with the  
16 intent that the child be safe from physical injury and cared for in an  
17 appropriate manner, the defendant left the child with an appropriate  
18 person or in a suitable location and promptly notified an appropriate  
19 person of the child's location.  
20 S 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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