S T A T E O F N E W Y O R K

5860

2009-2010 Regular Sessions

I N A S S E M B L Y

February 20, 2009

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

AN ACT to amend the penal law, in relation to the voluntary delivery and abandonment of a child

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

Section 1. Section 260.03 of the penal law, as added by chapter 156 of the laws of 2000, is amended to read as follows:

S 260.03 Abandonment of a child; defense.

A. In any prosecution for abandonment of a child, pursuant to section 260.00 of this article, based upon an alleged desertion of a child not more than [five days] ONE YEAR old with an intent to wholly abandon such child, it is an affirmative defense that, with the intent that the child be safe from physical injury and cared for in an appropriate manner, the defendant left the child with an appropriate person or in a suitable location and promptly notified an appropriate person of the child's location.

B. ANY PERSON WHO VOLUNTARILY DELIVERS A CHILD IN ACCORDANCE WITH SUBDIVISION A OF THIS SECTION SHALL NOT BE REQUIRED TO DISCLOSE THAT PERSON'S NAME OR OTHER IDENTIFYING INFORMATION OR THAT OF THE CHILD OR THE CHILD'S PARENT, SO LONG AS THE CHILD'S HEALTH AND WELL-BEING ARE NOT ENDANGERED BY THE WITHHOLDING OF SUCH INFORMATION, BUT MAY VOLUNTARILY DISCLOSE SUCH INFORMATION.

S 2. 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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