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

263

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. PERALTA, MILLMAN, ALFANO, P. RIVERA, REILLY, ZEBROWSKI -- Multi-Sponsored by -- M. of A. BOYLAND, GORDON, GOTTFRIED, GUNTHER, MAISEL, PHEFFER, SCHIMEL, SWEENEY, TITONE, WEISENBERG -- 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:

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.

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] THREE MONTHS 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.

S 2. Subdivision 2 of section 260.15 of the penal law, as added by chapter 156 of the laws of 2000, is amended to read as follows:

2. based upon an alleged desertion of a child not more than [five days] THREE MONTHS old, 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.

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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