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

968

2009-2010 Regular Sessions

I N S E N A T E

January 22, 2009

Introduced by Sen. KRUGER -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to the crime of aggravated endangering the welfare of a child

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

Section 1. The penal law is amended by adding a new section 260.12 to read as follows:

S 260.12 AGGRAVATED ENDANGERING THE WELFARE OF A CHILD.

A PERSON IS GUILTY OF AGGRAVATED ENDANGERING THE WELFARE OF A CHILD WHEN:

1. HE OR SHE KNOWINGLY ACTS IN A MANNER LIKELY TO BE INJURIOUS TO THE PHYSICAL, MENTAL OR MORAL WELFARE OF A MALE CHILD LESS THAN SIXTEEN YEARS OLD OR A FEMALE CHILD LESS THAN SEVENTEEN YEARS OLD OR DIRECTS OR AUTHORIZES SUCH CHILD TO ENGAGE IN AN OCCUPATION INVOLVING A SUBSTANTIAL RISK OF DANGER TO HIS OR HER LIFE OR HEALTH AND SUCH CONDUCT RESULTS IN SERIOUS PHYSICAL INJURY TO SUCH CHILD; OR

2. BEING A PARENT, GUARDIAN OR OTHER PERSON LEGALLY CHARGED WITH THE CARE OR CUSTODY OF A CHILD LESS THAN EIGHTEEN YEARS OLD, HE OR SHE FAILS OR REFUSES TO EXERCISE REASONABLE DILIGENCE IN THE CONTROL OF SUCH CHILD TO PREVENT HIM OR HER FROM BECOMING AN "ABUSED CHILD," A "NEGLECTED CHILD," A "JUVENILE DELINQUENT" OR A "PERSON IN NEED OF SUPERVISION," AS THOSE TERMS ARE DEFINED IN ARTICLES TEN, THREE AND SEVEN OF THE FAMILY COURT ACT AND SUCH CONDUCT RESULTS IN SERIOUS PHYSICAL INJURY TO SUCH CHILD.

AGGRAVATED ENDANGERING THE WELFARE OF A CHILD IS A CLASS C FELONY.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

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