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

8539

2011-2012 Regular Sessions

I N A S S E M B L Y

July 20, 2011

Introduced by M. of A. MENG, BENEDETTO, BOYLE, CROUCH, CURRAN, DUPREY, GALEF, HAWLEY, JOHNS, MARKEY, McKEVITT, M. MILLER, MURRAY, MILLMAN, RAIA, REILICH, ROBERTS, RUSSELL, SALADINO, SWEENEY, TEDISCO, TENNEY, WEPRIN, ZEBROWSKI -- Multi-Sponsored by -- M. of A. BARCLAY, BRAUNSTEIN, LATIMER, MAGEE, McENENY, McLAUGHLIN, RABBITT -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to requiring parents, foster parents or other persons legally charged with the care or custody of a child less than sixteen years of age to notify law enforcement of the disappearance of the child within a timely manner

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 260.23 to read as follows:

S 260.23 FAILURE TO REPORT THE DISAPPEARANCE OF A CHILD.

A PERSON IS GUILTY OF FAILURE TO REPORT THE DISAPPEARANCE OF A CHILD WHEN:

1. BEING A PARENT, GUARDIAN, FOSTER PARENT OR OTHER PERSON LEGALLY CHARGED WITH THE CARE OR CUSTODY OF A CHILD LESS THAN SIXTEEN YEARS OLD WHO DISAPPEARS WHILE IN THIS STATE, HE OR SHE FAILS OR REFUSES WITHOUT LAWFUL EXCUSE TO REPORT THE DISAPPEARANCE OF THE CHILD OR CAUSE TO HAVE A REPORT OF THE DISAPPEARANCE OF THE CHILD MADE TO THE POLICE DEPARTMENT IN THE TOWN, CITY OR COUNTY WHERE THE MINOR LAST RESIDED OR WAS VISITING AT THE TIME OF THE DISAPPEARANCE AS SOON AS PRACTICABLE, BUT IN ANY EVENT WITHIN SEVENTY-TWO HOURS OF THE DISAPPEARANCE.

2. A. NOTHING IN THIS SECTION SHALL PROHIBIT ANY OTHER PERSON FROM REPORTING A CHILD DISAPPEARANCE IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION OR AFFECT OTHER REPORTING REQUIREMENTS UNDER STATE LAW.

B. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO REQUIRE THE MAKING OF MORE THAN ONE REPORT OF ANY DISAPPEARANCE AS PROVIDED IN THIS SECTION.

FAILURE TO REPORT THE DISAPPEARANCE OF A CHILD IS A CLASS D FELONY.

S 2. This act shall take effect on the ninetieth day after it shall become a law.

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

LBD13261-01-1