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

8541

2011-2012 Regular Sessions

I N A S S E M B L Y

July 20, 2011

Introduced by M. of A. MENG, BARCLAY, BENEDETTO, BOYLE, CROUCH, CURRAN, DUPREY, GALEF, HAWLEY, JOHNS, MARKEY, McKEVITT, M. MILLER, MURRAY, RAIA, REILICH, ROBERTS, RUSSELL, SALADINO, SWEENEY, TEDISCO, TENNEY, WEPRIN, ZEBROWSKI -- Multi-Sponsored by -- M. of A. 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, legal guardians, caretakers or other responsible adults to notify law enforcement of the death of a child, accidental or otherwise, 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 260.22 to read as follows:

S 260.22 FAILURE TO REPORT THE DEATH OF A CHILD.

A PERSON IS GUILTY OF FAILURE TO REPORT THE DEATH 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 DIES IN THIS STATE, HE OR SHE FAILS OR REFUSES WITHOUT LAWFUL EXCUSE TO REPORT THE DEATH OF THE CHILD, ACCIDENTAL OR OTHERWISE, OR CAUSE TO HAVE A REPORT OF THE DEATH OF A 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 DEATH AS SOON AS PRACTICABLE, BUT IN ANY EVENT WITHIN TWENTY-FOUR HOURS OF THE DEATH.

2. A. NOTHING IN THIS SECTION SHALL PROHIBIT ANY OTHER PERSON FROM REPORTING A CHILD DEATH 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 DEATH AS PROVIDED IN THIS SECTION.

FAILURE TO REPORT THE DEATH 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.

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