

8596

2011-2012 Regular Sessions

I N A S S E M B L Y

September 21, 2011

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

AN ACT to amend the penal law, in relation to establishing the crime of failure to report the death or disappearance of a child

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

1 Section 1. Short title. This act shall be known and may be cited as  
2 "Caylee's law".

3 S 2. The penal law is amended by adding a new section 260.35 to read  
4 as follows:

5 S 260.35 FAILURE TO REPORT THE DEATH OR DISAPPEARANCE OF A CHILD.

6 1. A PERSON IS GUILTY OF FAILURE TO REPORT THE DEATH OR DISAPPEARANCE  
7 OF A CHILD WHEN:

8 (A) HE OR SHE IS THE PARENT, GUARDIAN OR OTHER PERSON LEGALLY CHARGED  
9 WITH THE CARE OR CUSTODY OF A CHILD LESS THAN EIGHTEEN YEARS OLD AND  
10 KNOWINGLY OR INTENTIONALLY FAILS TO NOTIFY AND REPORT TO LAW ENFORCEMENT  
11 IN A TIMELY MANNER OF TWENTY-FOUR HOURS OR LESS THE DEATH OF SUCH CHILD,  
12 REGARDLESS OF WHETHER SUCH DEATH WAS ACCIDENTAL OR INTENTIONAL; OR

13 (B) HE OR SHE IS THE PARENT, GUARDIAN OR OTHER PERSON LEGALLY CHARGED  
14 WITH THE CARE OR CUSTODY OF A CHILD LESS THAN EIGHTEEN YEARS OLD AND  
15 KNOWINGLY OR INTENTIONALLY FAILS TO NOTIFY AND REPORT TO LAW ENFORCEMENT  
16 IN A TIMELY MANNER OF TWENTY-FOUR HOURS OR LESS THE DISAPPEARANCE OF  
17 SUCH CHILD.

18 2. A PERSON IS NOT GUILTY OF THE PROVISIONS OF THIS SECTION WHEN HE  
19 OR SHE ENGAGES IN THE CONDUCT DESCRIBED IN SUBDIVISION ONE OF THIS  
20 SECTION AND THE CHILD DIES WHILE UNDER MEDICAL CARE FROM A DULY LICENSED  
21 PHYSICIAN.

22 FAILURE TO REPORT THE DEATH OR DISAPPEARANCE OF A CHILD IS A CLASS D  
23 FELONY.

24 S 3. This act shall take effect on the sixtieth day after it shall  
25 have become a law.

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

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