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

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I N A S S E M B L Y

(PREFILED)

January 4, 2012

Introduced by M. of A. TITONE, CRESPO, SWEENEY, MURRAY, SCHIMEL, LINARES, GALEF, ENGLEBRIGHT, ROBERTS, P. RIVERA, BENEDETTO, TENNEY, CASTELLI, CASTRO -- Multi-Sponsored by -- M. of A. LATIMER, MAGEE, McDONOUGH, MILLMAN, THIELE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the 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:

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

S 2. The penal law is amended by adding two new sections 260.40 and 260.45 to read as follows:

S 260.40 FAILURE TO REPORT THE DISAPPEARANCE OF A CHILD.

A PERSON IS GUILTY OF FAILURE TO REPORT THE DISAPPEARANCE OF A CHILD WHEN BEING THE PARENT, GUARDIAN OR OTHER PERSON LEGALLY CHARGED WITH THE CARE OR CUSTODY OF A CHILD LESS THAN EIGHTEEN YEARS OF AGE AND HE OR SHE HAS REASON TO BELIEVE SUCH CHILD IS MISSING, SUCH PERSON FAILS TO PROVIDE NOTICE THEREOF TO A POLICE OFFICER OR A LAW ENFORCEMENT AGENCY WITHIN TWENTY-FOUR HOURS SUCH PERSON HAS REASON TO BELIEVE THE CHILD IS MISSING.

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

S 260.45 FAILURE TO REPORT THE DEATH OF A CHILD.

A PERSON IS GUILTY OF FAILURE TO REPORT THE DEATH OF A CHILD WHEN BEING THE PARENT, GUARDIAN OR OTHER PERSON LEGALLY CHARGED WITH THE CARE OR CUSTODY OF A CHILD LESS THAN EIGHTEEN YEARS OF AGE AND HE OR SHE HAS REASON TO BELIEVE SUCH CHILD IS DEAD WHILE NOT UNDER THE CARE OF A HEALTH CARE PROFESSIONAL OR EMERGENCY MEDICAL PERSONNEL, SUCH PERSON FAILS TO PROVIDE NOTICE THEREOF AS SOON AS REASONABLY POSSIBLE, TO A POLICE OFFICER OR A LAW ENFORCEMENT AGENCY.

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

S 3. 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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