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

3206

2011-2012 Regular Sessions

I N S E N A T E

February 11, 2011

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

AN ACT to amend the penal law and the correction law, in relation to 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. Section 260.10 of the penal law, as amended by chapter 447 of the laws of 2010, is amended to read as follows:

S 260.10 Endangering the welfare of a child.

A person is guilty of 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 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; 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.

3. A person is not guilty of the provisions of this section when he or she engages in the conduct described in subdivision one of section 260.00 of this article: (a) with the intent to wholly abandon the child by relinquishing responsibility for and right to the care and custody of such child; (b) with the intent that the child be safe from physical injury and cared for in an appropriate manner; (c) the child is left with an appropriate person, or in a suitable location and the person who leaves the child promptly notifies an appropriate person of the child's location; and (d) the child is not more than thirty days old.

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

LBD08454-01-1

ANY DEFENDANT CONVICTED PURSUANT TO THIS SECTION BASED ON CONDUCT OF A SEXUAL NATURE OR BEHAVIOR OF A SEXUAL NATURE SHALL BE REQUIRED TO REGISTER AS A SEX OFFENDER PURSUANT TO ARTICLE SIX-C OF THE CORRECTION LAW.

Endangering the welfare of a child is a class A misdemeanor.

S 2. Subdivision 2 of section 168-a of the correction law is amended by adding a new paragraph (f) to read as follows:

(F) A CONVICTION OF THE PROVISIONS OF SECTION 260.10 OF THE PENAL LAW WHERE THE DEFENDANT IS REQUIRED BY THE COURT TO REGISTER PURSUANT TO THE PROVISIONS OF THIS ARTICLE.

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