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

5858

2011-2012 Regular Sessions

I N S E N A T E

July 8, 2011

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

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:

Section 1. The penal law is amended by adding a new section 260.35 to read as follows:

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

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

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

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

2. A PERSON IS NOT GUILTY OF THE PROVISIONS OF THIS SECTION WHEN HE OR SHE ENGAGES IN THE CONDUCT DESCRIBED IN SUBDIVISION ONE OF THIS SECTION:

(A) WITH THE INTENT THAT THE CHILD BE SAFE FROM PHYSICAL INJURY; OR

(B) THE CHILD DIES WHILE UNDER MEDICAL CARE FROM A DULY LICENSED PHYSICIAN.

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

S 2. This act shall take effect immediately.

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

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