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

2057

2011-2012 Regular Sessions

I N A S S E M B L Y

January 13, 2011

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

AN ACT to amend the penal law, in relation to establishing the offense of aggravated 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. The penal law is amended by adding a new section 260.12 to read as follows:

S 260.12 AGGRAVATED ENDANGERING THE WELFARE OF A CHILD.

A PERSON IS GUILTY OF AGGRAVATED ENDANGERING THE WELFARE OF A CHILD WHEN HE OR SHE IS A PARENT, GUARDIAN OR OTHER PERSON LEGALLY CHARGED WITH THE CARE OF A CHILD LESS THAN EIGHTEEN YEARS OF AGE WHO KNOWINGLY ACTS IN A MANNER LIKELY TO BE INJURIOUS TO THE PHYSICAL, MENTAL OR MORAL WELFARE OF SUCH CHILD AND:

1. SUCH PERSON HAS PREVIOUSLY BEEN CONVICTED OF ANY OFFENSE SET FORTH IN THIS CHAPTER IN WHICH THE VICTIM WAS A CHILD LESS THAN EIGHTEEN YEARS OLD; OR

2. THE CONDUCT OF SUCH PERSON INCLUDES ACTS THAT CAUSE THE CHILD EXTREME PAIN OR WHICH ARE CARRIED OUT IN AN ESPECIALLY VICIOUS OR SADISTIC MANNER.

AGGRAVATED ENDANGERING THE WELFARE OF A CHILD IS A CLASS E FELONY.

S 2. 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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