

5261

2013-2014 Regular Sessions

I N A S S E M B L Y

February 21, 2013

Introduced by M. of A. TITONE, CRESPO, SWEENEY, SCHIMEL, GALEF, ENGLE-BRIGHT, ROBERTS, BENEDETTO, TENNEY, CASTRO, ORTIZ, MOYA, MILLER, JAFFEE, HOOPER -- Multi-Sponsored by -- M. of A. ARROYO, BARCLAY, CERETTO, GIGLIO, MAGEE, McDONOUGH, MILLMAN, PALMESANO, RA, RAIA, SCHIMMINGER, 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:

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 two new sections 260.40 and
4 260.45 to read as follows:
5 S 260.40 FAILURE TO REPORT THE DISAPPEARANCE OF A CHILD.
6 A PERSON IS GUILTY OF FAILURE TO REPORT THE DISAPPEARANCE OF A CHILD
7 WHEN BEING THE PARENT, GUARDIAN OR OTHER PERSON LEGALLY CHARGED WITH THE
8 CARE OR CUSTODY OF A CHILD LESS THAN EIGHTEEN YEARS OF AGE AND HE OR SHE
9 HAS REASON TO BELIEVE SUCH CHILD IS MISSING, SUCH PERSON FAILS TO
10 PROVIDE NOTICE THEREOF TO A POLICE OFFICER OR A LAW ENFORCEMENT AGENCY
11 WITHIN TWENTY-FOUR HOURS SUCH PERSON HAS REASON TO BELIEVE THE CHILD IS
12 MISSING.
13 FAILURE TO REPORT THE DISAPPEARANCE OF A CHILD IS A CLASS E FELONY.
14 S 260.45 FAILURE TO REPORT THE DEATH OF A CHILD.
15 A PERSON IS GUILTY OF FAILURE TO REPORT THE DEATH OF A CHILD WHEN
16 BEING THE PARENT, GUARDIAN OR OTHER PERSON LEGALLY CHARGED WITH THE CARE
17 OR CUSTODY OF A CHILD LESS THAN EIGHTEEN YEARS OF AGE AND HE OR SHE HAS
18 REASON TO BELIEVE SUCH CHILD IS DEAD WHILE NOT UNDER THE CARE OF A
19 HEALTH CARE PROFESSIONAL OR EMERGENCY MEDICAL PERSONNEL, SUCH PERSON
20 FAILS TO PROVIDE NOTICE THEREOF AS SOON AS REASONABLY POSSIBLE, TO A
21 POLICE OFFICER OR A LAW ENFORCEMENT AGENCY.
22 FAILURE TO REPORT THE DEATH OF A CHILD IS A CLASS D FELONY.
23 S 3. This act shall take effect on the first of November next succeed-
24 ing 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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