                         2015-2016 Regular Sessions

                            I N   A S S E M B L Y

                             January 20, 2015
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Introduced by M. of A. TITONE, CRESPO, SCHIMEL, GALEF, ENGLEBRIGHT,
  ROBERTS, BENEDETTO, TENNEY, ORTIZ, MOYA, MILLER, JAFFEE, HOOPER --
  Multi-Sponsored by -- M. of A.   ARROYO, BARCLAY, CERETTO, GIGLIO,
  MAGEE, McDONOUGH, 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 ASSEM-
BLY, 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.
                                                         LBD03846-01-5