2835

2015-2016 Regular Sessions

IN ASSEMBLY

January 20, 2015

- 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 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 260.45 to read as follows: 4 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 CARE OR CUSTODY OF A CHILD LESS THAN EIGHTEEN YEARS OF AGE AND HE OR SHE 8 9 HAS REASON TO BELIEVE SUCH CHILD IS MISSING, SUCH PERSON FAILS TO 10 THEREOF TO A POLICE OFFICER OR A LAW ENFORCEMENT AGENCY PROVIDE NOTICE 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. A PERSON IS GUILTY OF FAILURE TO REPORT THE DEATH OF A CHILD WHEN 15 BEING THE PARENT, GUARDIAN OR OTHER PERSON LEGALLY CHARGED WITH THE CARE 16 OR CUSTODY OF A CHILD LESS THAN EIGHTEEN YEARS OF AGE AND HE OR SHE HAS 17 SUCH CHILD IS DEAD WHILE NOT UNDER THE CARE OF A 18 REASON TO BELIEVE HEALTH CARE PROFESSIONAL OR EMERGENCY MEDICAL PERSONNEL, 19 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. S 3. This act shall take effect on the first of November next succeed-23 ing the date on which it shall have become a law. 24

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

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