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

5713

2015-2016 Regular Sessions

I N A S S E M B L Y

March 3, 2015

Introduced by M. of A. BRABENEC, McDONOUGH, GRAF, TENNEY, McKEVITT, SALADINO, RAIA, ORTIZ, HAWLEY, LUPINACCI, MONTESANO, FINCH -- Multi-Sponsored by -- M. of A. ARROYO, BARCLAY, CERETTO, DUPREY, GIGLIO, LAWRENCE, McLAUGHLIN, PALMESANO, RA, RIVERA -- read once and referred to the Committee on Codes

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. Short title. This act shall be known and may be cited as "Caylee's law".

S 2. 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 WITHIN TWENTY-FOUR HOURS OF 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 WITHIN TWENTY-FOUR HOURS 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 AND THE CHILD DIES WHILE UNDER MEDICAL CARE FROM A DULY LICENSED PHYSICIAN OR WHEN A DEATH CERTIFICATE HAS BEEN ISSUED FOR THE CHILD.

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

S 3. This act shall take effect on the sixtieth day after it shall have become a law.

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

LBD09012-01-5