

# STATE OF NEW YORK

6937

2019-2020 Regular Sessions

## IN ASSEMBLY

March 27, 2019

Introduced by M. of A. LENTOL, SCHIMMINGER -- Multi-Sponsored by -- M. of A. ABBATE, ARROYO, COLTON, CYMBROWITZ, ENGLEBRIGHT, GUNTHER, LAVINE, M. G. MILLER, ORTIZ, PERRY, THIELE -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crime of failing to make a required report

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The penal law is amended by adding a new section 260.28 to  
2 read as follows:

3 § 260.28 Failing to make a required report.

4 1. A person is guilty of failing to make a required report when, being  
5 the parent or caregiver of a child less than six years of age and know-  
6 ing that such child:

7 (a) has died, he or she intentionally fails to report such death to a  
8 law enforcement official, health care practitioner or funeral director  
9 promptly under the circumstances; or

10 (b) is missing, he or she intentionally fails to report that such  
11 child is missing to a law enforcement official promptly under the  
12 circumstances.

13 2. A person shall not be prosecuted under this section if a failure to  
14 timely report was the result of physical threats or a fear that the  
15 person, the child or a third person would be physically harmed if the  
16 report was made or if, as the case may be, a law enforcement official,  
17 health care practitioner or funeral director was already aware of such  
18 occurrence.

19 3. For purposes of this section:

20 (a) "Caregiver" means a person who (i) assumes responsibility for the  
21 care of a child pursuant to a court order; or (ii) receives monetary or  
22 other valuable consideration for providing care for a child;

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

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1     (b) "Missing" means not in the immediate care of another parent, when  
2     the whereabouts of such child are unknown to the child's parent or care-  
3     giver and such parent or caregiver, under the circumstances, has a  
4     reasonable fear of imminent risk to the health or safety of such child.

5     Failing to make a required report is a class E felony.

6     § 2. This act shall take effect on the thirtieth day after it shall  
7     have become a law and shall apply to events occurring on or after such  
8     effective date.