

STATE OF NEW YORK

7359--A

Cal. No. 939

2021-2022 Regular Sessions

IN SENATE

September 3, 2021

Introduced by Sen. BROOKS -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- recommitted to the Committee on Local Government in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

AN ACT to amend the general municipal law, the penal law, and the arts and cultural affairs law, in relation to participants in youth programs sponsored by fire departments

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

1 Section 1. Subdivisions 5 and 7 of section 204-b of the general municipal law, as added by chapter 386 of the laws of 1978, are amended to
2 read as follows:

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4 5. All activities of participants in such program shall be approved in
5 advance by the chief, or his or her designee. [~~No activities may include~~
6 ~~emergency duties in connection with fire department or fire company~~
7 ~~operations or any other hazardous activity.~~] Participants may respond to
8 an emergency or hazardous activity, but shall remain in an appropriate
9 and safe designated area that has been established by the chief or officer
10 in charge. The chief or officer in charge shall determine if any
11 such participant is allowed to respond to an emergency in a vehicle
12 using lights and/or sirens. Furthermore, such participants may not
13 enter a burning structure nor shall participants in a youth program
14 pursuant to this section fall under the definition of active volunteer
15 firefighter as defined in section three of the volunteer firefighters'
16 benefit law.

17 7. Volunteer fire departments and fire companies may purchase accident
18 insurance to insure participants in such programs against injury or
19 death resulting from bodily injuries sustained in performance of

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

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1 approved activities. In addition, they may purchase insurance to protect
2 against liability arising from approved activities. The insurance
3 purchased pursuant to this subdivision may include medical and hospital
4 coverage. A volunteer fire department or fire company shall not allow
5 participants in such program to ride in any vehicle owned or operated by
6 such volunteer fire department or fire company, unless such volunteer
7 fire department or fire company has purchased insurance protecting
8 against liability that could arise from such participant being injured
9 in an accident while riding in such vehicle.

10 § 2. Section 260.10 of the penal law, as amended by chapter 447 of the
11 laws of 2010, is amended to read as follows:

12 § 260.10 Endangering the welfare of a child.

13 1. A person is guilty of endangering the welfare of a child when:

14 ~~[1-]~~ (a) He or she knowingly acts in a manner likely to be injurious
15 to the physical, mental or moral welfare of a child less than seventeen
16 years old or directs or authorizes such child to engage in an occupation
17 involving a substantial risk of danger to his or her life or health; or

18 ~~[2-]~~ (b) Being a parent, guardian or other person legally charged with
19 the care or custody of a child less than eighteen years old, he or she
20 fails or refuses to exercise reasonable diligence in the control of such
21 child to prevent him or her from becoming an "abused child," a
22 "neglected child," a "juvenile delinquent" or a "person in need of
23 supervision," as those terms are defined in articles ten, three and
24 seven of the family court act.

25 ~~[3-]~~ 2. A person is not guilty of the provisions of this section when
26 he or she engages in the conduct described in subdivision one of section
27 260.00 of this article: (a) with the intent to wholly abandon the child
28 by relinquishing responsibility for and right to the care and custody of
29 such child; (b) with the intent that the child be safe from physical
30 injury and cared for in an appropriate manner; (c) the child is left
31 with an appropriate person, or in a suitable location and the person who
32 leaves the child promptly notifies an appropriate person of the child's
33 location; and (d) the child is not more than thirty days old.

34 3. A volunteer fire department or fire company or a member thereof
35 shall not be guilty of a violation of this section for engaging in
36 actions authorized under section two hundred four-b of the general
37 municipal law as part of a youth program.

38 Endangering the welfare of a child is a class A misdemeanor.

39 § 3. Paragraph (e) of subdivision 1 of section 35.07 of the arts and
40 cultural affairs law is amended to read as follows:

41 (e) In any practice or exhibition or place dangerous or injurious to
42 the life, limb, health or morals of such child provided, however, that
43 the provisions of this paragraph shall not apply to: (i) service as a
44 member of a certified volunteer ambulance service under the supervision
45 of an emergency medical technician as provided in article thirty of the
46 public health law by youthful volunteers at least fifteen years of age
47 who hold a current American Red Cross advanced first aid and emergency
48 care card; or (ii) participation in activities authorized under section
49 two hundred four-b of the general municipal law as part of a youth
50 program.

51 § 4. This act shall take effect immediately.