STATE OF NEW YORK

6541

2023-2024 Regular Sessions

IN SENATE

April 26, 2023

Introduced by Sen. ORTT -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to creating the crimes of child abuse, vulnerable elderly person or incompetent or physically disabled person abuse, and torture

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

Section 1. This act shall be known and may be cited as "Noah's Law".

§ 2. The penal law is amended by adding two new sections 260.16 and 260.17 to read as follows:

§ 260.16 Child abuse in the second degree.

A person is guilty of child abuse in the second degree when:

1. Through omission, neglect, or a reckless act, they cause serious physical and/or mental harm to a child;

2. They knowingly or intentionally commit an act which is likely to cause physical and/or mental harm to a child, regardless of if such harm occurs; or

3. They knowingly or intentionally commit an act which is cruel to a child, regardless of if any harm occurs.

Child abuse in the second degree is a class B felony.

§ 260.17 Child abuse in the first degree.

A person is guilty of child abuse in the first degree when they knowingly or intentionally cause serious physical and/or mental harm to a child.

Child abuse in the first degree is a class A felony.

§ 3. The penal law is amended by adding two new sections 260.36 and 260.37 to read as follows:

§ 260.36 Vulnerable elderly person or incompetent or physically disabled person abuse in the second degree.

A person is guilty of vulnerable elderly person or incompetent or physically disabled person abuse in the second degree when:

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

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1. Through omission, neglect, or a reckless act, they cause serious physical and/or mental harm to a vulnerable elderly person or incompetent or physically disabled person;

2. They knowingly or intentionally commit an act which is likely to cause physical and/or mental harm to a vulnerable elderly person or incompetent or physically disabled person, regardless of if such harm occurs; or

3. They knowingly or intentionally commit an act which is cruel to a vulnerable elderly person or incompetent or physically disabled person, regardless of if any harm occurs.

Vulnerable elderly person or incompetent or physically disabled person abuse in the second degree is a class B felony.

§ 260.37 Vulnerable elderly person or incompetent or physically disabled person abuse in the first degree.

A person is guilty of vulnerable elderly person or incompetent or physically disabled person abuse in the first degree when they knowingly or intentionally cause serious physical and/or mental harm to a vulnerable elderly person or incompetent or physically disabled person.

Vulnerable elderly person or incompetent or physically disabled person abuse in the first degree is a class A felony.

§ 4. The penal law is amended by adding a new section 260.40 to read as follows:

§ 260.40 Torture.

A person is guilty of torture when they knowingly and cruelly inflict serious physical injury and/or severe mental pain or suffering upon another person within their custody or physical control. Torture does not require any proof that the victim suffered pain.

Torture is a class A felony.

§ 5. This act shall take effect on the thirtieth day after it shall have become a law.