

STATE OF NEW YORK

7851

2025-2026 Regular Sessions

IN SENATE

May 9, 2025

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

AN ACT to amend the penal law, the criminal procedure law, the estates, powers and trusts law and the social services law, in relation to establishing the offense of aggravated murder of a child; to amend the penal law, the criminal procedure law and the vehicle and traffic law, in relation to establishing the offenses of aggravated abuse of a child in the second degree, aggravated abuse of a child in the first degree, and aggravated manslaughter of a child; to amend the penal law, and the criminal procedure law, in relation to establishing the offense of aggravated endangering the welfare of a child; to amend the social services law, in relation to aggravated manslaughter of a child; to amend the social services law, in relation to requiring the recording of calls to the statewide central register of child abuse and maltreatment made by persons required by law to report child abuse, requiring the office of children and family services to investigate the prior history of the subject of a report of child abuse or maltreatment and requiring such office to inform a caller if a report cannot be taken; requiring increased scrutiny and the presence of law enforcement during the investigation of a child abuse or maltreatment report with prior history of such reports; to amend the family court act, in relation to the definition of the term "neglected child"; and to repeal subdivision 5 of section 125.25 of the penal law relating to the murder of a person under fourteen years of age while in the course of committing certain sex offenses

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 "Erin's law".
- 3 § 2. Section 10.00 of the penal law is amended by adding two new
- 4 subdivisions 23 and 24 to read as follows:

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

LBD11921-01-5

1 23. "Person in a position of trust" means any person who is charged
2 with any duty or responsibility for the health, education, welfare,
3 supervision or care of another person, either independently or through
4 another person, no matter how brief.

5 24. "Child abuse offense" means:

6 (a) an offense defined in article one hundred twenty, one hundred
7 twenty-one, one hundred twenty-five, one hundred thirty, or one hundred
8 thirty-five of this chapter, provided the victim of such offense is less
9 than fourteen years of age;

10 (b) any offense defined in section 230.05, 230.06, 230.11, 230.12,
11 230.13, 230.30, 230.32, 230.33, 230.34, 230.34-a, 230.35, 230.36,
12 230.40, 235.21, 235.22, 255.25, 255.26, 255.27, 260.00, 260.05, 260.06,
13 260.09, 260.10, 260.20, 260.21, 260.24, 260.25, 260.32, or 260.34 of
14 this chapter, provided the perpetrator of such offense is greater than
15 eighteen years of age, unless otherwise provided, and the victim of such
16 offense is less than fourteen years of age; or any offense defined in
17 article two hundred sixty-three of this chapter;

18 (c) an attempt to commit an offense listed in paragraph (a) or (b) of
19 this subdivision; or

20 (d) an offense in any other jurisdiction which includes all of the
21 essential elements of any such crime listed in paragraph (a), (b) or (c)
22 of this subdivision.

23 § 3. Section 60.06 of the penal law, as amended by chapter 482 of the
24 laws of 2009, is amended to read as follows:

25 § 60.06 Authorized disposition; murder in the first degree offenders;
26 aggravated murder offenders; aggravated murder of a child
27 offenders; certain murder in the second degree offenders;
28 certain terrorism offenders; criminal possession of a chemical
29 weapon or biological weapon offenders; criminal use of a chem-
30 ical weapon or biological weapon offenders.

31 When a defendant is convicted of murder in the first degree as defined
32 in section 125.27 of this chapter, the court shall, in accordance with
33 the provisions of section 400.27 of the criminal procedure law, sentence
34 the defendant to death, to life imprisonment without parole in accord-
35 ance with subdivision five of section 70.00 of this title, or to a term
36 of imprisonment for a class A-I felony other than a sentence of life
37 imprisonment without parole, in accordance with subdivisions one through
38 three of section 70.00 of this title. When a person is convicted [~~of~~
39 ~~murder in the second degree as defined in subdivision five of section~~
40 ~~125.25 of this chapter or~~] of the crime of aggravated murder as defined
41 in subdivision one of section 125.26 of this chapter or of the crime of
42 aggravated murder of a child as defined in section 125.28 of this chap-
43 ter, the court shall sentence the defendant to life imprisonment without
44 parole in accordance with subdivision five of section 70.00 of this
45 title. When a defendant is convicted of the crime of terrorism as
46 defined in section 490.25 of this chapter, and the specified offense the
47 defendant committed is a class A-I felony offense, or when a defendant
48 is convicted of the crime of criminal possession of a chemical weapon or
49 biological weapon in the first degree as defined in section 490.45 of
50 this chapter, or when a defendant is convicted of the crime of criminal
51 use of a chemical weapon or biological weapon in the first degree as
52 defined in section 490.55 of this chapter, the court shall sentence the
53 defendant to life imprisonment without parole in accordance with subdi-
54 vision five of section 70.00 of this title; provided, however, that
55 nothing in this section shall preclude or prevent a sentence of death
56 when the defendant is also convicted of murder in the first degree as

1 defined in section 125.27 of this chapter. When a defendant is convicted
2 of aggravated murder as defined in subdivision two of section 125.26 of
3 this chapter, the court shall sentence the defendant to life imprison-
4 ment without parole or to a term of imprisonment for a class A-I felony
5 other than a sentence of life imprisonment without parole, in accordance
6 with subdivisions one through three of section 70.00 of this title.

7 § 4. Subparagraph (i) of paragraph (a) of subdivision 3 of section
8 70.00 of the penal law, as amended by chapter 107 of the laws of 2006,
9 is amended to read as follows:

10 (i) For a class A-I felony, such minimum period shall not be less than
11 fifteen years nor more than twenty-five years; provided, however, that
12 (A) where a sentence, other than a sentence of death or life imprison-
13 ment without parole, is imposed upon a defendant convicted of murder in
14 the first degree as defined in section 125.27 of this chapter such mini-
15 mum period shall be not less than twenty years nor more than twenty-five
16 years, and, (B) where a sentence is imposed upon a defendant [~~convicted~~
17 ~~of murder in the second degree as defined in subdivision five of section~~
18 ~~125.25 of this chapter or~~] convicted of aggravated murder as defined in
19 section 125.26 of this chapter or convicted of aggravated murder of a
20 child as defined in section 125.28 of this chapter, the sentence shall
21 be life imprisonment without parole, and, (C) where a sentence is
22 imposed upon a defendant convicted of attempted murder in the first
23 degree as defined in article one hundred ten of this chapter and subpar-
24 agraph (i), (ii) or (iii) of paragraph (a) of subdivision one and para-
25 graph (b) of subdivision one of section 125.27 of this chapter or
26 attempted aggravated murder as defined in article one hundred ten of
27 this chapter and section 125.26 of this chapter or attempted aggravated
28 murder of a child as defined in article one hundred ten of this chapter
29 and section 125.28 of this chapter such minimum period shall be not less
30 than twenty years nor more than forty years.

31 § 5. Subdivision 5 of section 70.00 of the penal law, as amended by
32 section 40-a of part WWW of chapter 59 of the laws of 2017, is amended
33 to read as follows:

34 5. Life imprisonment without parole. Notwithstanding any other
35 provision of law, a defendant sentenced to life imprisonment without
36 parole shall not be or become eligible for parole or conditional
37 release. For purposes of commitment and custody, other than parole and
38 conditional release, such sentence shall be deemed to be an indetermi-
39 nate sentence. A defendant may be sentenced to life imprisonment without
40 parole upon conviction for the crime of murder in the first degree as
41 defined in section 125.27 of this chapter and in accordance with the
42 procedures provided by law for imposing a sentence for such crime. A
43 defendant who was eighteen years of age or older at the time of the
44 commission of the crime must be sentenced to life imprisonment without
45 parole upon conviction for the crime of terrorism as defined in section
46 490.25 of this chapter, where the specified offense the defendant
47 committed is a class A-I felony; the crime of criminal possession of a
48 chemical weapon or biological weapon in the first degree as defined in
49 section 490.45 of this chapter; or the crime of criminal use of a chemi-
50 cal weapon or biological weapon in the first degree as defined in
51 section 490.55 of this chapter; provided, however, that nothing in this
52 subdivision shall preclude or prevent a sentence of death when the
53 defendant is also convicted of the crime of murder in the first degree
54 as defined in section 125.27 of this chapter. A defendant who was seven-
55 teen years of age or younger at the time of the commission of the crime
56 may be sentenced, in accordance with law, to the applicable indetermi-

1 nate sentence with a maximum term of life imprisonment. A defendant must
2 be sentenced to life imprisonment without parole upon conviction [~~for~~
3 ~~the crime of murder in the second degree as defined in subdivision five~~
4 ~~of section 125.25 of this chapter or~~] for the crime of aggravated murder
5 as defined in subdivision one of section 125.26 of this chapter or for
6 the crime of aggravated murder of a child as defined in section 125.28
7 of this chapter. A defendant may be sentenced to life imprisonment
8 without parole upon conviction for the crime of aggravated murder as
9 defined in subdivision two of section 125.26 of this chapter.

10 § 6. Paragraphs (a), (b) and (c) of subdivision 1 of section 70.02 of
11 the penal law, paragraphs (a) and (c) as amended by chapter 23 of the
12 laws of 2024, and paragraph (b) as amended by chapter 94 of the laws of
13 2020, are amended to read as follows:

14 (a) Class B violent felony offenses: an attempt to commit the class
15 A-I felonies of murder in the second degree as defined in section
16 125.25, kidnapping in the first degree as defined in section 135.25, and
17 arson in the first degree as defined in section 150.20; manslaughter in
18 the first degree as defined in section 125.20, aggravated manslaughter
19 in the first degree as defined in section 125.22, aggravated manslaught-
20 er of a child as defined in section 125.23, rape in the first degree as
21 defined in section 130.35, a crime formerly defined in section 130.50,
22 aggravated sexual abuse in the first degree as defined in section
23 130.70, course of sexual conduct against a child in the first degree as
24 defined in section 130.75, assault in the first degree as defined in
25 section 120.10, kidnapping in the second degree as defined in section
26 135.20, burglary in the first degree as defined in section 140.30, arson
27 in the second degree as defined in section 150.15, robbery in the first
28 degree as defined in section 160.15, sex trafficking as defined in para-
29 graphs (a) and (b) of subdivision five of section 230.34, sex traffick-
30 ing of a child as defined in section 230.34-a, incest in the first
31 degree as defined in section 255.27, criminal possession of a weapon in
32 the first degree as defined in section 265.04, criminal use of a firearm
33 in the first degree as defined in section 265.09, criminal sale of a
34 firearm in the first degree as defined in section 265.13, aggravated
35 assault upon a police officer or a peace officer as defined in section
36 120.11, gang assault in the first degree as defined in section 120.07,
37 intimidating a victim or witness in the first degree as defined in
38 section 215.17, hindering prosecution of terrorism in the first degree
39 as defined in section 490.35, criminal possession of a chemical weapon
40 or biological weapon in the second degree as defined in section 490.40,
41 and criminal use of a chemical weapon or biological weapon in the third
42 degree as defined in section 490.47.

43 (b) Class C violent felony offenses: an attempt to commit any of the
44 class B felonies set forth in paragraph (a) of this subdivision; aggra-
45 vated criminally negligent homicide as defined in section 125.11, aggra-
46 vated manslaughter in the second degree as defined in section 125.21,
47 aggravated sexual abuse in the second degree as defined in section
48 130.67, assault on a peace officer, police officer, firefighter or emer-
49 gency medical services professional as defined in section 120.08,
50 assault on a judge as defined in section 120.09, gang assault in the
51 second degree as defined in section 120.06, aggravated abuse of a child
52 in the first degree as defined in section 120.02, strangulation in the
53 first degree as defined in section 121.13, aggravated strangulation as
54 defined in section 121.13-a, burglary in the second degree as defined in
55 section 140.25, robbery in the second degree as defined in section
56 160.10, criminal possession of a weapon in the second degree as defined

1 in section 265.03, criminal use of a firearm in the second degree as
2 defined in section 265.08, criminal sale of a firearm in the second
3 degree as defined in section 265.12, criminal sale of a firearm with the
4 aid of a minor as defined in section 265.14, aggravated criminal
5 possession of a weapon as defined in section 265.19, soliciting or
6 providing support for an act of terrorism in the first degree as defined
7 in section 490.15, hindering prosecution of terrorism in the second
8 degree as defined in section 490.30, and criminal possession of a chemi-
9 cal weapon or biological weapon in the third degree as defined in
10 section 490.37.

11 (c) Class D violent felony offenses: an attempt to commit any of the
12 class C felonies set forth in paragraph (b); reckless assault of a child
13 as defined in section 120.02, assault in the second degree as defined in
14 section 120.05, aggravated abuse of a child in the second degree as
15 defined in section 120.02-a, menacing a police officer or peace officer
16 as defined in section 120.18, stalking in the first degree, as defined
17 in subdivision one of section 120.60, strangulation in the second degree
18 as defined in section 121.12, rape in the second degree as defined in
19 section 130.30, a crime formerly defined in section 130.45, sexual abuse
20 in the first degree as defined in section 130.65, course of sexual
21 conduct against a child in the second degree as defined in section
22 130.80, aggravated sexual abuse in the third degree as defined in
23 section 130.66, facilitating a sex offense with a controlled substance
24 as defined in section 130.90, labor trafficking as defined in paragraphs
25 (a) and (b) of subdivision three of section 135.35, criminal possession
26 of a weapon in the third degree as defined in subdivision five, six,
27 seven, eight, nine or ten of section 265.02, criminal sale of a firearm
28 in the third degree as defined in section 265.11, intimidating a victim
29 or witness in the second degree as defined in section 215.16, soliciting
30 or providing support for an act of terrorism in the second degree as
31 defined in section 490.10, and making a terroristic threat as defined in
32 section 490.20, falsely reporting an incident in the first degree as
33 defined in section 240.60, placing a false bomb or hazardous substance
34 in the first degree as defined in section 240.62, placing a false bomb
35 or hazardous substance in a sports stadium or arena, mass transportation
36 facility or enclosed shopping mall as defined in section 240.63, aggra-
37 vated unpermitted use of indoor pyrotechnics in the first degree as
38 defined in section 405.18, and criminal manufacture, sale, or transport
39 of an undetectable firearm, rifle or shotgun as defined in section
40 265.50.

41 § 7. Subdivision 1 of section 110.05 of the penal law, as amended by
42 section 8 of subpart A of part H of chapter 55 of the laws of 2014, is
43 amended to read as follows:

44 1. Class A-I felony when the crime attempted is the A-I felony of
45 murder in the first degree, aggravated murder as defined in subdivision
46 one of section 125.26 of this chapter, aggravated murder of a child,
47 criminal possession of a controlled substance in the first degree, crim-
48 inal sale of a controlled substance in the first degree, criminal
49 possession of a chemical or biological weapon in the first degree or
50 criminal use of a chemical or biological weapon in the first degree;

51 § 8. Section 120.01 of the penal law, as added by chapter 600 of the
52 laws of 1998, is amended to read as follows:

53 § 120.01 Reckless assault of a child by a child day care provider.

54 A person is guilty of reckless assault of a child when, being a child
55 day care provider or an employee thereof, [~~he or she~~] such person reck-
56 lessly causes [~~serious~~] physical injury, as defined in subdivision nine

1 of section 10.00 of this chapter, to a child under the care of such
2 provider or employee who is less than [~~eleven~~] fourteen years of age.

3 Reckless assault of a child by a child day care provider is a class E
4 felony.

5 § 9. Section 120.02 of penal law, as added by chapter 110 of the laws
6 of 2006, is amended to read as follows:

7 § 120.02 [~~Reckless—assault~~] Aggravated abuse of a child in the first
8 degree.

9 1. A person is guilty of [~~reckless—assault~~] aggravated abuse of a
10 child in the first degree when, being eighteen years of age or more, and
11 being a parent, guardian, or other person legally charged with the
12 custody of, or legally responsible for the care of a child less than
13 fourteen years old, or being a person in a position of trust of a child
14 less than fourteen years old, such person:

15 a. recklessly causes serious physical injury to the brain of a child
16 less than five years old by shaking the child, or by slamming or throw-
17 ing the child so as to impact the child's head on a hard surface or
18 object;

19 b. with intent to cause serious physical injury to another person,
20 causes serious physical injury to such child; or

21 c. recklessly engages in conduct which creates a grave risk of serious
22 physical injury or death to such child and thereby causes serious phys-
23 ical injury to such child, and:

24 (i) has previously been convicted of a child abuse offense;

25 (ii) during the same course of conduct, recklessly engages in conduct
26 which creates a grave risk of serious physical injury or death to another
27 child less than fourteen years old and thereby causes serious phys-
28 ical injury to such other child;

29 (iii) causes such injury by means of a deadly weapon or dangerous
30 instrument; or

31 (iv) on at least one other occasion, recklessly engaged in conduct
32 which created a grave risk of serious physical injury or death to a
33 child less than fourteen years old and thereby caused serious physical
34 injury to such child.

35 2. For purposes of subdivision one of this section, the following
36 shall constitute "serious physical injury":

37 a. "serious physical injury" as defined in subdivision ten of section
38 10.00 of this chapter; or

39 b. extreme rotational cranial acceleration and deceleration and one or
40 more of the following: (i) subdural hemorrhaging; (ii) intracranial
41 hemorrhaging; or (iii) retinal hemorrhaging.

42 [~~Reckless—assault~~] Aggravated abuse of a child in the first degree is
43 a class [~~D~~] C felony.

44 § 10. The penal law is amended by adding a new section 120.02-a to
45 read as follows:

46 § 120.02-a Aggravated abuse of a child in the second degree.

47 A person is guilty of aggravated abuse of a child in the second degree
48 when, being eighteen years old or more, and being a parent, guardian, or
49 other person legally charged with the custody of, or legally responsible
50 for the care of a child less than fourteen years old, or being a person
51 in a position of trust of a child less than fourteen years old, such
52 person:

53 1. with intent to cause physical injury to another person, causes
54 physical injury to such child;

1 2. recklessly engages in conduct which creates a grave risk of serious
2 physical injury or death to such child and thereby causes serious phys-
3 ical injury to such child; or

4 3. commits the crime of reckless assault of a child by a child day
5 care provider as defined in section 120.01 of this article and previous-
6 ly has been convicted of a child abuse offense.

7 Aggravated abuse of a child in the second degree is a class D felony.

8 § 11. The penal law is amended by adding two new sections 125.23 and
9 125.28 to read as follows:

10 § 125.23 Aggravated manslaughter of a child.

11 A person is guilty of aggravated manslaughter of a child when, being
12 eighteen years old or more, and being a parent, guardian or other person
13 legally charged with the custody of, or legally responsible for the care
14 of, a child less than fourteen years old, or is a person in a position
15 of trust of a child less than fourteen years old, such person recklessly
16 engages in conduct which creates a grave risk of serious physical injury
17 or death to such child and thereby causes the death of such child.

18 Aggravated manslaughter of a child is a class B felony.

19 § 125.28 Aggravated murder of a child.

20 A person is guilty of aggravated murder of a child when:

21 1. with intent to cause the death of a child less than fourteen years
22 old, and being eighteen years old or more, and being the parent, guardi-
23 an or other person legally charged with the custody of, or legally
24 responsible for the care of, such child, or being a person in a position
25 of trust of a child less than fourteen years old, such person causes the
26 death of such child;

27 2. under circumstances evincing a depraved indifference to human life,
28 and being eighteen years old or more, and being the parent, guardian or
29 other person legally charged with the custody of, or legally responsible
30 for the care of, a child less than fourteen years old, or being a person
31 in a position of trust of a child less than fourteen years old, such
32 person recklessly engages in conduct which creates a grave risk of seri-
33 ous physical injury or death to such child and thereby causes the death
34 of such child; or

35 3. being eighteen years old or more, while in the course of committing
36 rape in the first, second or third degree, a crime formerly defined in
37 section 130.50 of this title, aggravated sexual abuse in the first,
38 second, third or fourth degree, predatory sexual assault against a
39 child, or incest against a child less than fourteen years old, such
40 person intentionally causes the death of such child.

41 Aggravated murder of a child is a class A-I felony.

42 § 12. Subdivision 4 of section 125.25 of the penal law, as amended by
43 chapter 459 of the laws of 2004, is amended to read as follows:

44 4. Under circumstances evincing a depraved indifference to human life,
45 and being eighteen years old or more the defendant recklessly engages in
46 conduct which creates a grave risk of serious physical injury or death
47 to another person less than eleven years old and thereby causes the
48 death of such person[~~to~~].

49 § 13. Subdivision 5 of section 125.25 of the penal law is REPEALED.

50 § 14. Subparagraph (ix) of paragraph (a) of subdivision 1 of section
51 125.27 of the penal law, as added by chapter 1 of the laws of 1995, is
52 amended to read as follows:

53 (ix) prior to committing the killing, the defendant had been convicted
54 of murder as defined in this section or section 125.25 of this article
55 or convicted of aggravated murder of a child as defined in section
56 125.28 of this article, or had been convicted in another jurisdiction of

1 an offense which, if committed in this state, would constitute a
 2 violation of [~~either of such~~] the aforementioned sections; or

3 § 15. The penal law is amended by adding a new section 260.09 to read
 4 as follows:

5 § 260.09 Aggravated endangering the welfare of a child.

6 A person is guilty of aggravated endangering the welfare of a child
 7 when, being eighteen years old or more, and being a parent, guardian or
 8 other person legally charged with the custody of, or legally responsible
 9 for the care of, a child less than fourteen years old, or being a person
 10 in a position of trust of a child less than fourteen years old, such
 11 person knowingly acts in a manner likely to be injurious to the phys-
 12 ical, mental, or emotional welfare of such child, and:

- 13 1. previously has been convicted of a child abuse offense; or
 14 2. such conduct consists of two or more acts of cruelty against such
 15 child. For purposes of this subdivision, "cruelty" means conduct which
 16 (a) causes extreme physical pain, or (b) which is carried out in an
 17 especially vicious or sadistic manner.

18 Aggravated endangering the welfare of a child is a class E felony.

19 § 16. Paragraph (a) of subdivision 3 of section 30.30 of the criminal
 20 procedure law, as amended by section 1 of part KKK of chapter 59 of the
 21 laws of 2019, is amended to read as follows:

22 (a) Subdivisions one and two of this section do not apply to a crimi-
 23 nal action wherein the defendant is accused of an offense defined in
 24 sections 125.10, 125.15, 125.20, 125.25, 125.26 [~~and~~], 125.27 and 125.28
 25 of the penal law.

26 § 17. Subdivision 1 of section 180.85 of the criminal procedure law,
 27 as amended by chapter 93 of the laws of 2006, is amended to read as
 28 follows:

29 1. After arraignment of a defendant upon a felony complaint, other
 30 than a felony complaint charging an offense defined in section 125.10,
 31 125.15, 125.20, 125.23, 125.25, 125.26 [~~or~~], 125.27 or 125.28 of the
 32 penal law, either party or the local criminal court or superior court
 33 before which the action is pending, on its own motion, may move in
 34 accordance with the provisions of this section for an order terminating
 35 prosecution of the charges contained in such felony complaint on consent
 36 of the parties.

37 § 18. Paragraph (h) of subdivision 3 of section 190.25 of the criminal
 38 procedure law, as amended by chapter 347 of the laws of 2014, is amended
 39 to read as follows:

40 (h) A social worker, rape crisis counselor, psychologist or other
 41 professional providing emotional support to a child witness twelve years
 42 old or younger, or a social worker or informal caregiver, as provided in
 43 subdivision two of section two hundred six of the elder law, for a
 44 vulnerable elderly person as provided in subdivision three of section
 45 260.31 of the penal law, who is called to give evidence in a grand jury
 46 proceeding concerning a crime defined in article one hundred twenty-one,
 47 article one hundred thirty, article two hundred sixty, section 120.01,
 48 120.02, 120.02-a, 120.10, 125.10, 125.15, 125.20, 125.25, 125.26,
 49 125.27, 125.28, 255.25, 255.26 [~~or~~], 255.27 or 260.09 of the penal law
 50 provided that the district attorney consents. Such support person shall
 51 not provide the witness with an answer to any question or otherwise
 52 participate in such proceeding and shall first take an oath before the
 53 grand jury that [~~he or she~~] such person will keep secret all matters
 54 before such grand jury within [~~his or her~~] such person's knowledge.

1 § 19. Paragraph (b) of subdivision 8 of section 700.05 of the criminal
2 procedure law, as amended by chapter 23 of the laws of 2024, is amended
3 to read as follows:

4 (b) Any of the following felonies: assault in the second degree as
5 defined in section 120.05 of the penal law, assault in the first degree
6 as defined in section 120.10 of the penal law, reckless assault of a
7 child by a child day care provider as defined in section 120.01 of the
8 penal law, aggravated abuse of a child in the second degree as defined
9 in section 120.02-a of the penal law, aggravated abuse of a child in the
10 first degree as defined in section 120.02 of the penal law, reckless
11 endangerment in the first degree as defined in section 120.25 of the
12 penal law, promoting a suicide attempt as defined in section 120.30 of
13 the penal law, strangulation in the second degree as defined in section
14 121.12 of the penal law, strangulation in the first degree as defined in
15 section 121.13 of the penal law, criminally negligent homicide as
16 defined in section 125.10 of the penal law, manslaughter in the second
17 degree as defined in section 125.15 of the penal law, manslaughter in
18 the first degree as defined in section 125.20 of the penal law, aggra-
19 ated manslaughter of a child as defined in section 125.23 of the penal
20 law, murder in the second degree as defined in section 125.25 of the
21 penal law, murder in the first degree as defined in section 125.27 of
22 the penal law, aggravated murder of a child as defined in section 125.28
23 of the penal law, rape in the third degree as defined in section 130.25
24 of the penal law, rape in the second degree as defined in section 130.30
25 of the penal law, rape in the first degree as defined in section 130.35
26 of the penal law, a crime formerly defined in section 130.40 of the
27 penal law, a crime formerly defined in section 130.45 of the penal law,
28 a crime formerly defined in section 130.50 of the penal law, sexual
29 abuse in the first degree as defined in section 130.65 of the penal law,
30 unlawful imprisonment in the first degree as defined in section 135.10
31 of the penal law, kidnapping in the second degree as defined in section
32 135.20 of the penal law, kidnapping in the first degree as defined in
33 section 135.25 of the penal law, labor trafficking as defined in section
34 135.35 of the penal law, aggravated labor trafficking as defined in
35 section 135.37 of the penal law, custodial interference in the first
36 degree as defined in section 135.50 of the penal law, coercion in the
37 first degree as defined in section 135.65 of the penal law, criminal
38 trespass in the first degree as defined in section 140.17 of the penal
39 law, burglary in the third degree as defined in section 140.20 of the
40 penal law, burglary in the second degree as defined in section 140.25 of
41 the penal law, burglary in the first degree as defined in section 140.30
42 of the penal law, criminal mischief in the third degree as defined in
43 section 145.05 of the penal law, criminal mischief in the second degree
44 as defined in section 145.10 of the penal law, criminal mischief in the
45 first degree as defined in section 145.12 of the penal law, criminal
46 tampering in the first degree as defined in section 145.20 of the penal
47 law, arson in the fourth degree as defined in section 150.05 of the
48 penal law, arson in the third degree as defined in section 150.10 of the
49 penal law, arson in the second degree as defined in section 150.15 of
50 the penal law, arson in the first degree as defined in section 150.20 of
51 the penal law, grand larceny in the fourth degree as defined in section
52 155.30 of the penal law, grand larceny in the third degree as defined in
53 section 155.35 of the penal law, grand larceny in the second degree as
54 defined in section 155.40 of the penal law, grand larceny in the first
55 degree as defined in section 155.42 of the penal law, health care fraud
56 in the fourth degree as defined in section 177.10 of the penal law,

1 health care fraud in the third degree as defined in section 177.15 of
2 the penal law, health care fraud in the second degree as defined in
3 section 177.20 of the penal law, health care fraud in the first degree
4 as defined in section 177.25 of the penal law, robbery in the third
5 degree as defined in section 160.05 of the penal law, robbery in the
6 second degree as defined in section 160.10 of the penal law, robbery in
7 the first degree as defined in section 160.15 of the penal law, unlawful
8 use of secret scientific material as defined in section 165.07 of the
9 penal law, criminal possession of stolen property in the fourth degree
10 as defined in section 165.45 of the penal law, criminal possession of
11 stolen property in the third degree as defined in section 165.50 of the
12 penal law, criminal possession of stolen property in the second degree
13 as defined by section 165.52 of the penal law, criminal possession of
14 stolen property in the first degree as defined by section 165.54 of the
15 penal law, trademark counterfeiting in the second degree as defined in
16 section 165.72 of the penal law, trademark counterfeiting in the first
17 degree as defined in section 165.73 of the penal law, forgery in the
18 second degree as defined in section 170.10 of the penal law, forgery in
19 the first degree as defined in section 170.15 of the penal law, criminal
20 possession of a forged instrument in the second degree as defined in
21 section 170.25 of the penal law, criminal possession of a forged instru-
22 ment in the first degree as defined in section 170.30 of the penal law,
23 criminal possession of forgery devices as defined in section 170.40 of
24 the penal law, falsifying business records in the first degree as
25 defined in section 175.10 of the penal law, tampering with public
26 records in the first degree as defined in section 175.25 of the penal
27 law, offering a false instrument for filing in the first degree as
28 defined in section 175.35 of the penal law, issuing a false certificate
29 as defined in section 175.40 of the penal law, criminal diversion of
30 prescription medications and prescriptions in the second degree as
31 defined in section 178.20 of the penal law, criminal diversion of
32 prescription medications and prescriptions in the first degree as
33 defined in section 178.25 of the penal law, residential mortgage fraud
34 in the fourth degree as defined in section 187.10 of the penal law,
35 residential mortgage fraud in the third degree as defined in section
36 187.15 of the penal law, residential mortgage fraud in the second degree
37 as defined in section 187.20 of the penal law, residential mortgage
38 fraud in the first degree as defined in section 187.25 of the penal law,
39 escape in the second degree as defined in section 205.10 of the penal
40 law, escape in the first degree as defined in section 205.15 of the
41 penal law, absconding from temporary release in the first degree as
42 defined in section 205.17 of the penal law, promoting prison contraband
43 in the first degree as defined in section 205.25 of the penal law,
44 hindering prosecution in the second degree as defined in section 205.60
45 of the penal law, hindering prosecution in the first degree as defined
46 in section 205.65 of the penal law, sex trafficking as defined in
47 section 230.34 of the penal law, sex trafficking of a child as defined
48 in section 230.34-a of the penal law, aggravated endangering the welfare
49 of a child as defined in section 260.09 of the penal law, criminal
50 possession of a weapon in the third degree as defined in subdivisions
51 two, three and five of section 265.02 of the penal law, criminal
52 possession of a weapon in the second degree as defined in section 265.03
53 of the penal law, criminal possession of a weapon in the first degree as
54 defined in section 265.04 of the penal law, manufacture, transport,
55 disposition and defacement of weapons and dangerous instruments and
56 appliances defined as felonies in subdivisions one, two, and three of

1 section 265.10 of the penal law, sections 265.11, 265.12 and 265.13 of
2 the penal law, or prohibited use of weapons as defined in subdivision
3 two of section 265.35 of the penal law, relating to firearms and other
4 dangerous weapons, criminal manufacture, sale or transport of an unde-
5 tectable firearm, rifle or shotgun as defined in section 265.50 of the
6 penal law, or failure to disclose the origin of a recording in the first
7 degree as defined in section 275.40 of the penal law;

8 § 20. Paragraph (a) of subdivision 4 of section 509-cc of the vehicle
9 and traffic law, as amended by chapter 23 of the laws of 2024, is
10 amended to read as follows:

11 (a) The offenses referred to in subparagraph (ii) of paragraph (a) of
12 subdivision one and paragraph (a) of subdivision two of this section
13 that result in permanent disqualification shall include a conviction
14 under sections 125.12, 125.13, 125.14, 125.15, 125.20, 125.21, 125.22,
15 125.25, 125.26, 125.27, 130.30, 130.35, former sections 130.45 and
16 130.50, sections 130.65, 130.66, 130.67, 130.70, 130.75, 130.80, 130.90,
17 130.95, 130.96, 135.25, 150.20, 230.30, 230.32, 230.34, 230.34-a,
18 235.22, 263.05, 263.10, 263.11, 263.15, 263.16 of the penal law or an
19 attempt to commit any of the aforesaid offenses under section 110.00 of
20 the penal law, or a child abuse offense as defined in subdivision twen-
21 ty-four of section 10.00 of the penal law, or any offenses committed
22 under a former section of the penal law which would constitute
23 violations of the aforesaid sections of the penal law, or any offenses
24 committed outside this state which would constitute violations of the
25 aforesaid sections of the penal law.

26 § 21. Section 4-1.6 of the estates, powers and trusts law, as added by
27 chapter 481 of the laws of 1994, is amended to read as follows:

28 § 4-1.6 Disqualification of joint tenant in certain instances

29 Notwithstanding any other provision of law to the contrary, a joint
30 tenant convicted of murder in the second degree as defined in section
31 125.25 of the penal law or murder in the first degree as defined in
32 section 125.27 of the penal law or aggravated murder of a child as
33 defined in section 125.28 of the penal law of another joint tenant shall
34 not be entitled to the distribution of any monies in a joint bank
35 account created or contributed to by the deceased joint tenant, except
36 for those monies contributed by the convicted joint tenant.

37 Upon the conviction of such joint tenant of first or second degree
38 murder and upon application by the prosecuting attorney, the court, as
39 part of its sentence, shall issue an order directing the amount of any
40 joint bank account to be distributed pursuant to the provisions of this
41 section from the convicted joint tenant and to the deceased joint
42 tenant's estate. The court and the prosecuting attorney shall each have
43 the power to subpoena records of a banking institution to determine the
44 amount of money in such bank account and by whom deposits were made. The
45 court shall also have the power to freeze such account upon application
46 by the prosecuting attorney during the pendency of a trial for first or
47 second degree murder. If, upon receipt of such court orders described in
48 this section, the banking institution holding monies in such joint
49 account complies with the terms of the order, such banking institution
50 shall be held free from all liability for the distribution of such funds
51 as were in such joint account. In the absence of actual or constructive
52 notice of such order, the banking institution holding monies in such
53 account shall be held harmless for distributing the money according to
54 its ordinary course of business.

1 For purposes of this section, the term banking institution shall have
2 the same meaning as provided for in paragraph (b) of subdivision three
3 of section nine-f of the banking law.

4 § 22. Subparagraph 2 of paragraph (b) of subdivision 3 of section
5 358-a of the social services law, as added by chapter 7 of the laws of
6 1999, is amended to read as follows:

7 (2) the parent of such child has been convicted of (i) aggravated
8 manslaughter of a child as defined in section 125.23 or aggravated
9 murder of a child as defined in section 125.28 or murder in the first
10 degree as defined in section 125.27 or murder in the second degree as
11 defined in section 125.25 of the penal law and the victim was another
12 child of the parent; or (ii) manslaughter in the first degree as defined
13 in section 125.20 or manslaughter in the second degree as defined in
14 section 125.15 of the penal law and the victim was another child of the
15 parent, provided, however, that the parent must have acted voluntarily
16 in committing such crime;

17 § 23. Clause (A) of subparagraph (iii) of paragraph (a) of subdivision
18 8 of section 384-b of the social services law, as amended by chapter 460
19 of the laws of 2006, is amended to read as follows:

20 (A) the parent of such child has been convicted of aggravated
21 manslaughter of a child as defined in section 125.23, aggravated murder
22 of a child as defined in section 125.28, murder in the first degree as
23 defined in section 125.27, murder in the second degree as defined in
24 section 125.25, manslaughter in the first degree as defined in section
25 125.20, or manslaughter in the second degree as defined in section
26 125.15, and the victim of any such crime was another child of the parent
27 or another child for whose care such parent is or has been legally
28 responsible as defined in subdivision (g) of section one thousand twelve
29 of the family court act, or another parent of the child, unless the
30 convicted parent was a victim of physical, sexual or psychological abuse
31 by the decedent parent and such abuse was a factor in causing the homi-
32 cide; or has been convicted of an attempt to commit any of the foregoing
33 crimes, and the victim or intended victim was the child or another child
34 of the parent or another child for whose care such parent is or has been
35 legally responsible as defined in subdivision (g) of section one thou-
36 sand twelve of the family court act, or another parent of the child,
37 unless the convicted parent was a victim of physical, sexual or psycho-
38 logical abuse by the decedent parent and such abuse was a factor in
39 causing the attempted homicide;

40 § 24. Paragraph (a) of subdivision 2 of section 422 of the social
41 services law, as amended by section 6 of subpart A of part JJ of chapter
42 56 of the laws of 2021, is amended and a new paragraph (d) is added to
43 read as follows:

44 (a) The central register shall be capable of receiving telephone calls
45 alleging child abuse or maltreatment and of immediately identifying
46 prior reports of child abuse or maltreatment and capable of monitoring
47 the provision of child protective service twenty-four hours a day, seven
48 days a week. To effectuate this purpose, but subject to the provisions
49 of the appropriate local plan for the provision of child protective
50 services, there shall be a single statewide telephone number that all
51 persons, whether mandated by the law or not, may use to make telephone
52 calls alleging child abuse or maltreatment and that all persons so
53 authorized by this title may use for determining the existence of prior
54 reports in order to evaluate the condition or circumstances of a child.
55 In addition to the single statewide telephone number, there shall be a
56 special unlisted express telephone number and a telephone facsimile

1 number for use only by persons mandated by law to make telephone calls,
2 which shall be recorded, or to transmit telephone facsimile information
3 on a form provided by the commissioner of children and family services,
4 alleging child abuse or maltreatment, and for use by all persons so
5 authorized by this title for determining the existence of prior reports
6 in order to evaluate the condition or circumstances of a child. When any
7 allegations contained in such telephone calls could reasonably consti-
8 tute a report of child abuse or maltreatment, after utilizing protocols
9 that would reduce implicit bias from the decision-making process, such
10 allegations and any previous reports to the central registry involving
11 the subject of such report or children named in such report, including
12 any previous report containing allegations of child abuse and maltreat-
13 ment alleged to have occurred in other counties and districts in New
14 York state shall be immediately transmitted orally or electronically by
15 the office of children and family services to the appropriate local
16 child protective service for investigation. The inability of the person
17 calling the register to identify the alleged perpetrator shall, in no
18 circumstance, constitute the sole cause for the register to reject such
19 allegation or fail to transmit such allegation for investigation. If the
20 records indicate a previous report concerning a subject of the report,
21 the child alleged to be abused or maltreated, a sibling, other children
22 in the household, other persons named in the report or other pertinent
23 information, the appropriate local child protective service shall be
24 immediately notified of the fact. If the report involves either (i) an
25 allegation of an abused child described in paragraph (i), (ii) or (iii)
26 of subdivision (e) of section one thousand twelve of the family court
27 act or sexual abuse of a child or the death of a child or (ii) suspected
28 maltreatment which alleges any physical harm when the report is made by
29 a person required to report pursuant to section four hundred thirteen of
30 this title within six months of any other two reports that were indi-
31 cated, or may still be pending, involving the same child, sibling, or
32 other children in the household or the subject of the report, the office
33 of children and family services shall identify the report as such and
34 note any prior reports when transmitting the report to the local child
35 protective services for investigation.

36 (d) For any telephone call that constitutes a report, the recording of
37 such call made pursuant to paragraph (a) of this subdivision shall be
38 maintained for the length of time otherwise required by this section for
39 maintenance of all records that relate to such report. For any telephone
40 call that does not constitute a report, such recording shall be main-
41 tained for two years. Such recordings shall be confidential and shall
42 only be available to the statewide central register of child abuse and
43 maltreatment for the purposes of quality assurance and enhanced child
44 safety. Provided, however, that a written transcript of such recording
45 may only be obtained via judicial subpoena based upon the judicial
46 determination that such transcript is necessary evidence in a criminal
47 or family court proceeding provided further, that any information relat-
48 ing to the identity of the caller or which reasonably could lead to the
49 identification of the caller shall be excluded from such transcript.

50 § 25. Subdivision 2 of section 422 of the social services law is
51 amended by adding a new paragraph (e) to read as follows:

52 (e) Whenever a telephone call to the statewide central register
53 described in this section is received by the office of children and
54 family services and not registered as a report, the office of children
55 and family services shall convey to the caller that such person has the

1 ability to discuss with a supervisor the reasons for the decision not to
2 register the report.

3 § 26. Paragraph (a) of subdivision 6 of section 424 of the social
4 services law, as amended by chapter 281 of the laws of 2017, is amended
5 to read as follows:

6 (a) upon receipt of such report, commence or cause the appropriate
7 society for the prevention of cruelty to children to commence, within
8 twenty-four hours, an appropriate investigation which shall include an
9 evaluation of the environment of the child named in the report and any
10 other children in the same home and a determination of the risk to such
11 children if they continue to remain in the existing home environment, as
12 well as a determination of the nature, extent and cause of any condition
13 enumerated in such report and the name, age and condition of other chil-
14 dren in the home, and, after seeing to the safety of the child or chil-
15 dren, including increased scrutiny given to the evaluation of any report
16 received within six months of any other two reports that were indicated
17 or are pending involving the same child, sibling, or other children in
18 the household, forthwith notify the subjects of the report and other
19 persons named in the report in writing of the existence of the report
20 and their respective rights pursuant to this title in regard to amend-
21 ment;

22 § 27. Section 424 of the social services law is amended by adding a
23 new subdivision 6-c to read as follows:

24 6-c. Upon receipt of a report which is received within six months of
25 any other two reports that were indicated or are pending involving the
26 same child, sibling, or other child in the household, a child protective
27 investigator shall contact law enforcement to accompany such investi-
28 gator to the child, children and/or home, and law enforcement shall
29 remain where the child or children are or are believed to be present
30 during the course of the investigation.

31 § 28. Section 420 of the social services law is amended by adding a
32 new subdivision 3 to read as follows:

33 3. A person who is convicted of a second or subsequent offense under
34 this section within two years of the prior conviction shall be guilty of
35 a class E felony.

36 § 29. Subdivision (f) of section 1012 of the family court act, as
37 added by chapter 962 of the laws of 1970, subparagraph (A) of paragraph
38 (i) as amended by chapter 362 of the laws of 2018, subparagraph (B) of
39 paragraph (i) as amended by chapter 984 of the laws of 1981 and para-
40 graph (ii) as amended by chapter 666 of the laws of 1976, is amended to
41 read as follows:

42 (f) "Neglected child" means a child less than eighteen years of age
43 (i) whose physical, mental or emotional condition has been impaired or
44 is in [~~imminent~~] danger of becoming impaired as a result of the failure
45 of [~~his~~] such child's parent or other person legally responsible for
46 [~~his~~] such child's care to exercise a minimum degree of care

47 (A) in supplying the child with adequate food, clothing, shelter [~~or~~],
48 a sanitary living environment, warmth, sustenance, education in accord-
49 ance with the provisions of part one of article sixty-five of the educa-
50 tion law, and any other basic necessity of life, or medical, dental,
51 [~~optometrical~~] optometric or surgical care, including, but not limited
52 to, preventive care such as immunizations, remedial care, and psycholog-
53 ical and/or psychiatric care, though financially able to do so or
54 offered financial or other reasonable means to do so, or, in the case of
55 an alleged failure of the respondent to provide education to the child,
56 notwithstanding the efforts of the school district or local educational

1 agency and child protective agency to ameliorate such alleged failure
2 prior to the filing of the petition; [~~ex~~]

3 (B) in providing the child with proper supervision [~~ex~~], guardian-
4 ship, moral supervision, emotional support, and instruction, by unrea-
5 sonably inflicting or allowing to be inflicted harm, or a substantial
6 risk thereof, including the infliction of excessive corporal punishment;
7 or by misusing a drug or drugs; or by misusing alcoholic beverages to
8 the extent that [~~he~~] such person loses self-control of [~~his~~] their own
9 actions; or by allowing such child multiple unexcused absences from
10 school; or by suffering from aggressiveness, poor impulse control, or
11 paranoia; or by any other acts of a similarly serious nature requiring
12 the aid of the court; provided, however, that where the respondent is
13 voluntarily and regularly participating in a rehabilitative program,
14 evidence that the respondent has repeatedly misused a drug or drugs or
15 alcoholic beverages to the extent that [~~he~~] such person loses self-con-
16 trol of [~~his~~] their own actions shall not establish that the child is a
17 neglected child in the absence of evidence establishing that the child's
18 physical, mental or emotional condition has been impaired or is in
19 [~~imminent~~] danger of becoming impaired as set forth in paragraph (i) of
20 this subdivision; or

21 (C) to keep such child free from disease and not in a state of
22 substantially diminished physical growth; or

23 (ii) who has been abandoned, in accordance with the definition and
24 other criteria set forth in subdivision five of section three hundred
25 eighty-four-b of the social services law, by [~~his~~] such child's parents
26 or other person legally responsible for [~~his~~] such child's care.

27 § 30. This act shall take effect immediately; provided that:

28 (a) sections twenty-four and twenty-five of this act shall take effect
29 on the one hundred eightieth day after it shall have become a law; and

30 (b) effective immediately, the addition, amendment and/or repeal of
31 any rule or regulation necessary for the implementation of this act on
32 its effective date are authorized and directed to be made and completed
33 on or before such effective date.