

STATE OF NEW YORK

3577

2025-2026 Regular Sessions

IN ASSEMBLY

January 28, 2025

Introduced by M. of A. SIMPSON, K. BROWN, BLANKENBUSH, MAHER, DeSTEFANO, BENDETT, HAWLEY -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to the crime of endangering the welfare of a child and to create a new crime of endangering the welfare of a child in the first degree

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

1 Section 1. Section 260.10 of the penal law, as amended by chapter 447
2 of the laws of 2010, is amended to read as follows:

3 § 260.10 Endangering the welfare of a child in the second degree.

4 A person is guilty of endangering the welfare of a child in the second
5 degree when:

6 1. [~~He or she~~] Such person knowingly acts in a manner likely to be
7 injurious to the physical, mental or moral welfare of a child less than
8 seventeen years old or directs or authorizes such child to engage in an
9 occupation involving a substantial risk of danger to [~~his or her~~] such
10 child's life or health; or

11 2. Being a parent, guardian or other person legally charged with the
12 care or custody of a child less than eighteen years old, [~~he or she~~]
13 such parent, guardian or other person fails or refuses to exercise
14 reasonable diligence in the control of such child to prevent [~~him or~~
15 ~~her~~] such child from becoming an "abused child," a "neglected child," a
16 "juvenile delinquent" or a "person in need of supervision," as those
17 terms are defined in articles ten, three and seven of the family court
18 act.

19 3. A person is not guilty of the provisions of this section when [~~he~~
20 ~~or she~~] such person engages in the conduct described in subdivision one
21 of section 260.00 of this article: (a) with the intent to wholly abandon
22 the child by relinquishing responsibility for and right to the care and
23 custody of such child; (b) with the intent that the child be safe from
24 physical injury and cared for in an appropriate manner; (c) the child is

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

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1 left with an appropriate person, or in a suitable location and the
2 person who leaves the child promptly notifies an appropriate person of
3 the child's location; and (d) the child is not more than thirty days
4 old.

5 Endangering the welfare of a child in the second degree is a class A
6 misdemeanor.

7 § 2. Section 260.11 of the penal law is renumbered section 260.12.

8 § 3. The penal law is amended by adding a new section 260.11 to read
9 as follows:

10 § 260.11 Endangering the welfare of a child in the first degree.

11 A person is guilty of endangering the welfare of a child in the first
12 degree when:

13 1. Such person knowingly acts in a manner which creates a risk of
14 either serious physical injury or prolonged impairment of the mental or
15 emotional condition of a child less than seventeen years old; or

16 2. Such person commits the offense of endangering the welfare of a
17 child in the second degree, when:

18 (a) The child is less than eleven years old; or

19 (b) The child suffered physical injury; or

20 (c) Such person has previously been convicted of any of the following
21 offenses: endangering the welfare of a child in the second degree as
22 defined in section 260.10; endangering the welfare of a child in the
23 first degree as defined in this section; abandonment of a child as
24 defined in section 260.00; assault in the second degree as defined in
25 subdivision eight or nine of section 120.05; aggravated assault upon a
26 person less than eleven years old as defined in section 120.12;
27 manslaughter in the first degree as defined in subdivision four of
28 section 125.20; murder in the second degree as defined in subdivision
29 four of section 125.25; rape in the third degree as defined in subdivi-
30 sion two of section 130.25; rape in the second degree as defined in
31 section 130.30; rape in the first degree as defined in subdivision three
32 of section 130.35; criminal sexual act in the third degree as formerly
33 defined in subdivision two of section 130.40; criminal sexual act in the
34 second degree as formerly defined in section 130.45; criminal sexual act
35 in the first degree as formerly defined in subdivision three of section
36 130.50; sexual abuse in the second degree as defined in subdivision two
37 of section 130.60; sexual abuse in the first degree as defined in subdivi-
38 vision three of section 130.65; aggravated sexual abuse in the third
39 degree as defined in paragraph (c) of subdivision one of section 130.66;
40 aggravated sexual abuse in the second degree as defined in paragraph (c)
41 of subdivision one of section 130.67; aggravated sexual abuse in the
42 first degree as defined in paragraph (c) of subdivision one of section
43 130.70; course of sexual conduct against a child in the first degree as
44 defined in section 130.75; course of sexual conduct against a child in
45 the second degree as defined in section 130.80; disseminating indecent
46 material to minors in the second degree as defined in section 235.21;
47 disseminating indecent material to minors in the first degree as defined
48 in section 235.22; use of a child in a sexual performance as defined in
49 section 263.05; promoting an obscene sexual performance by a child as
50 defined in section 263.10; possessing an obscene sexual performance by a
51 child as defined in section 263.11; promoting a sexual performance by a
52 child as defined in section 263.15; possessing a sexual performance by a
53 child as defined in section 263.16; or a similar offense against a child
54 in any other jurisdiction.

55 Endangering the welfare of a child in the first degree is a class D
56 felony.

1 § 4. Paragraph (c) of subdivision 1 of section 70.02 of the penal law,
2 as amended by chapter 23 of the laws of 2024, is amended to read as
3 follows:

4 (c) Class D violent felony offenses: an attempt to commit any of the
5 class C felonies set forth in paragraph (b); reckless assault of a child
6 as defined in section 120.02, assault in the second degree as defined in
7 section 120.05, menacing a police officer or peace officer as defined in
8 section 120.18, stalking in the first degree, as defined in subdivision
9 one of section 120.60, strangulation in the second degree as defined in
10 section 121.12, rape in the second degree as defined in section 130.30,
11 a crime formerly defined in section 130.45, sexual abuse in the first
12 degree as defined in section 130.65, course of sexual conduct against a
13 child in the second degree as defined in section 130.80, aggravated
14 sexual abuse in the third degree as defined in section 130.66, facili-
15 tating a sex offense with a controlled substance as defined in section
16 130.90, labor trafficking as defined in paragraphs (a) and (b) of subdi-
17 vision three of section 135.35, endangering the welfare of a child in
18 the first degree as defined in section 260.11, criminal possession of a
19 weapon in the third degree as defined in subdivision five, six, seven,
20 eight, nine or ten of section 265.02, criminal sale of a firearm in the
21 third degree as defined in section 265.11, intimidating a victim or
22 witness in the second degree as defined in section 215.16, soliciting or
23 providing support for an act of terrorism in the second degree as
24 defined in section 490.10, and making a terroristic threat as defined in
25 section 490.20, falsely reporting an incident in the first degree as
26 defined in section 240.60, placing a false bomb or hazardous substance
27 in the first degree as defined in section 240.62, placing a false bomb
28 or hazardous substance in a sports stadium or arena, mass transportation
29 facility or enclosed shopping mall as defined in section 240.63, aggra-
30 vated unpermitted use of indoor pyrotechnics in the first degree as
31 defined in section 405.18, and criminal manufacture, sale, or transport
32 of an undetectable firearm, rifle or shotgun as defined in section
33 265.50.

34 § 5. Section 260.12 of the penal law, as amended by chapter 89 of the
35 laws of 1984 and as renumbered by section two of this act, is amended to
36 read as follows:

37 § 260.12 Endangering the welfare of a child; corroboration.

38 A person shall not be convicted of endangering the welfare of a child
39 as defined in section 260.10 or 260.11 of this article, or of an attempt
40 to commit the same, upon the testimony of a victim who is incapable of
41 consent because of mental defect or mental incapacity as to conduct that
42 constitutes an offense or an attempt to commit an offense referred to in
43 section 130.16, without additional evidence sufficient pursuant to
44 section 130.16 to sustain a conviction of an offense referred to in
45 section 130.16, or of an attempt to commit the same.

46 § 6. Section 260.15 of the penal law, as amended by chapter 447 of the
47 laws of 2010, is amended to read as follows:

48 § 260.15 Endangering the welfare of a child; defense.

49 In any prosecution for endangering the welfare of a child, pursuant to
50 section 260.10 or 260.11 of this article, based upon an alleged failure
51 or refusal to provide proper medical care or treatment to an ill child,
52 it is an affirmative defense that the defendant (a) is a parent, guardi-
53 an or other person legally charged with the care or custody of such
54 child; and (b) is a member or adherent of an organized church or reli-
55 gious group the tenets of which prescribe prayer as the principal treat-

1 ment for illness; and (c) treated or caused such ill child to be treated
2 in accordance with such tenets.
3 § 7. This act shall take effect on the first of November next succeed-
4 ing the date on which it shall have become a law.