



NEW YORK STATE SENATOR

Dean G. Skelos

Senate Introduces “Protect Our Children Act”

DEAN G. SKELOS July 21, 2011

New Bill Protects Kids & Punishes Predators

In the wake of Caylee Anthony’s tragic murder case and the murder of eight-year-old Leiby Kletzky in Brooklyn, legislation has been introduced in the New York State Senate that would make sweeping, comprehensive changes to the state’s child protection laws to help protect children from cruel and repeated abuse.

The bill, called the “Protect Our Children Act” (S.5862), is sponsored by Senators Mark Grisanti (R, North Buffalo), Stephen Saland (R-I-C, Poughkeepsie), Andrew Lanza (R-I, Staten Island), Greg Ball (R-C, Pawling) and Charles Fuschillo (R, Merrick).

“The entire nation was shocked at the brutal murder of Leiby Kletzky and outraged by the acquittal of Casey Anthony,” Senate Majority Leader Dean G. Skelos said. “With this measure, we have carefully crafted a comprehensive bill that would fix the shortcomings of state law to ensure that children are protected and perpetrators are appropriately punished. It goes much further than bills introduced in other states that just address the failure to report missing children.”

“What we witnessed in the case of the death of Caylee Anthony was tragic,” Senator Grisanti said. “By placing a law on the books requiring parents and guardians to report missing children who are in significant danger in a timely manner, we will ensure for the future that

parents are going to be held accountable for their actions. It will also assure that we put justice on the side of those among us who are most vulnerable, particularly young children."

"Any crime committed against a child is abhorrent, but it is profoundly tragic when that crime is committed at the hands of those who should be their guardians and protectors," stated Senator Steve Saland. "This legislation would ensure that prosecutors have the tools to ensure justice for tragic cases like Caylee Anthony or any child who suffers while in the care of someone they trust."

"The tragic deaths of Leiby Kletzky and Caylee Anthony illustrate the need to strengthen our laws to protect children. In wake of the Caylee Anthony case, like many New Yorkers, I was shocked to learn that it is not a felony to fail to report your child missing," said Senator Lanza. "When a child goes missing there is no legitimate reason not to report it. It is a well established fact that when dealing with a missing child case every moment of delay weighs negatively in the life or death outcome. It is inconceivable and dangerous that a parent or guardian would not immediately report to the authorities when their child goes missing. Not doing so should be a serious crime and this legislation would do just that in the State of New York."

"We are all shocked and saddened by the outcome of the Casey Anthony trial," said Senator Greg Ball. "And while I have the utmost respect for our justice system and the right to due process, it's unthinkable that Casey Anthony would get off with anything less than the death penalty. The outcome made most people shake their heads with disbelief and disgust, knowing that some wait on death row having been rightfully convicted with much less evidence. To think she knew of her daughter's death and never told police, while having enough time to party the night away, lie to authorities and frequent tattoo parlors, is enough to make any caring person sick," added Ball.

"As a parent, there isn't anything I wouldn't do to protect my children's safety. As a legislator, it's unthinkable that current state law allows parents who don't report their child missing or obstruct efforts to find a missing child to escape felony charges. Making these crimes felonies, as well as raising penalties for those who abuse and harm children, are common-sense steps to protect children and give law enforcement stronger tools to bring individuals who target children to justice," Senator Charles J. Fuschillo, Jr. (R-Merrick).

Among the more than two dozen provisions of this legislation, the Protect Our Children Act would create the new crime of aggravated murder of a child with a sentence of life without parole.

In addition, the bill would expand an existing law of aggravated abuse of a child which makes it a crime when someone recklessly causes physical injury to a child under the age of 14. The law currently applies only to day care providers, but this bill would expand it to also apply to parents, guardians or a person in a position of trust.

Other provisions of the bill would:

- Create a new felony for concealing the death of a child. A death of a child is profoundly tragic, and the concealment of such not only could interfere with the prosecution of the one responsible for the death by loss of evidence, but could also prolong the agony of the family as they search for their loved one with misplaced hope;
- Create a new felony for failing to notify law enforcement when the whereabouts of a young child is unknown for more than 24 hours;

- Create new felony offenses for obstructing the location of a missing child;
- Create a felony child endangering statute to protect children from especially cruel and sadistic conduct. Under current law, unless physical injury results, the infliction on children of sadistic, painful, dangerous punishments can typically be charged only as misdemeanors;
- Create a statute to protect children from serious reckless abuse. To the extent existing laws address reckless conduct, they minimize the seriousness by treating it as a low level offense or often include the requirement that the conduct be "depraved," an element that New York courts have in recent years interpreted in a way that is extremely difficult to prove; and
- Increase penalties for repeat child abusers.