



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senator Fuschillo Sponsors New “Protect Our Children Act”

CHARLES J. FUSCHILLO JR. July 21, 2011

Senator Charles J. Fuschillo, Jr. (R-Merrick) today announced that he is sponsoring legislation that would greatly strengthen the state’s child protection laws. The “Protect Our Children Act” raises penalties for individuals who harm and abuse children, as well as creates new felony crimes for parents who don’t report their children missing or obstruct efforts to find a missing child. The legislation has been introduced following the tragic death of Caylee Anthony and the recent murder of eight-year-old Leiby Kletzky in Brooklyn.

"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," said Senator Fuschillo.

The Protect Our Children Act creates new felony crimes for parents who fail to report missing children within 24 hours or who obstruct law enforcement from locating missing children.

The legislation (S5862) would also create the new crime of aggravated murder of a child, which would carry a sentence of life without parole.

Other provisions of the legislation would:

- * Create a new felony crime 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 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, or dangerous punishments can typically be charged only as misdemeanors;

- * Expand an existing law for aggravated abuse of a child for a someone who 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.

- * 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.

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