



NEW YORK STATE SENATOR

Michael F. Nozzolio

Senator Nozzolio Sponsors “Protect Our Children Act”

MICHAEL F. NOZZOLIO July 22, 2011

| ISSUE: **VICTIMS**

Continuing his aggressive efforts to protect our most vulnerable citizens from violent crime, State Senator Mike Nozzolio is sponsoring new legislation, known as the “Protect Our Children Act” (S.5862) that would make sweeping, comprehensive changes to the New York State’s child protection laws to help protect children from cruel and repeated abuse.

“Violent crimes against children are the most heinous and devastating in our society, because they are perpetuated against our most vulnerable and innocent citizens,” said Senator Nozzolio, who serves as Chairman of the Senate Crime Victims, Crime and Correction Committee. “It is especially unconscionable when those crimes are committed by those who should be their guardians and protectors. We must enact stronger penalties for individuals who commit horrific acts of abuse against children and make certain that law enforcement can take the proper steps to protect abused or missing children before it is too late.”

The Protect Our Children Act would create the new crime of aggravated murder of a child, carrying a sentence of life without parole.

In addition, the legislation would expand the definition of aggravated abuse of a child, which currently applies only to day care providers. The legislation would expand this crime to apply to parents, guardians or any person in a position of trust who recklessly causes physical injury to a child under the age of 14.

Other provisions of the legislation include:

- €€ Create a new felony for concealing the death of a child;
- €€ 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 abusive conduct. Under current law, the infliction of painful and dangerous punishments on children can typically be charged only as

misdemeanors unless physical injury results;

- €€ 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.

Senator Nozzolio has strongly supported measures to establish tougher penalties for violent offenders and protect the lives and safety of innocent people in our communities. This year, he sponsored "Brittany's Law" to create a statewide registry tracking violent felony offenders who are released from prison. The legislation, known as "Brittany's Law", is named for 12-year-old Brittany Passalacqua, who was murdered along with her mother by a violent convicted felon who had been released from prison early

"As the Nation reacts in sadness and outrage to the tragic murders of Caylee Anthony and Leiby Kletzky, residents of the Finger Lakes Region remember the brutal murder of Brittany Passalacqua and her mother, Helen Buchel, a horrific crime that occurred right here in one of our own communities," said Senator Nozzolio. "Sponsoring the Protect Our Children Act is part of my continued commitment to prevent more families from suffering the heartbreak of losing a child to violent crime. This legislation will put in place comprehensive measure that will fix the shortcomings of State law to ensure that children are protected and perpetrators receive the punishment they deserve."