



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

## Senator Fuschillo Announces New Law to Toughen Penalties for Child Abusers

CHARLES J. FUSCHILLO JR. July 31, 2013

| ISSUE: **DOMESTIC VIOLENCE**

*New Law Increases the Look-Back Period to Elevate Penalties for Assault on a Child Younger Than 11 Years Old*

Senator Charles J. Fuschillo, Jr. (R-Merrick) recently announced that legislation he supported enacting Jay-J's Law, which allows for tougher penalties against offenders who have been convicted of repeatedly abusing a child, has been signed into law by Governor Andrew Cuomo.

"Child abuse is a deplorable crime that must be met with the strictest of punishments," said Senator Fuschillo. "As a father myself, I cannot imagine how anyone could cause harm to a defenseless child and expect to get away with it. By increasing the look-back period to 10 years, we can convict these shameful individuals for their heinous crimes and give the innocent victims the justice they deserve. I commend Governor Cuomo for signing Jay-J's law."

The new law increases the look-back period to elevate penalties for assault on a child younger than 11 years old from three years to 10 years. Intentionally causing physical injuries to a child under 11 is a misdemeanor punishable by up to a year in jail. This charge could be

elevated to a class E felony of aggravated assault upon a person less than 11 years old if the abuser had a prior conviction for the same crime. That charge carries a maximum four-year prison sentence.

Jay-J's Law is named after Jay-J Bolvin, who was severely beaten by his father in 2011, leaving him with 11 fractured bones and epilepsy. Jay-J's father had been convicted of third-degree assault in 2007 for beating another of his sons and breaking his arm. For the assault on Jay-J, his father was allowed to plead guilty to misdemeanor assault, because the prior conviction was not an enhancing factor because it occurred outside of the three year look-back period.

The new law is effective immediately.