



NEW YORK STATE SENATOR

Timothy M. Kennedy

## Governor Cuomo Signs Jay-J's Law, which Senator Kennedy Authored to Toughen Penalties for Child Abusers

TIMOTHY M. KENNEDY August 1, 2013

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ALBANY, N.Y. -- Governor Andrew M. Cuomo signed legislation Monday enacting Jay-J's Law, which allows for tougher penalties against offenders who have been convicted of repeatedly abusing a child. Senator Tim Kennedy, D-Buffalo, first authored the bill in late 2011, and since then, he has worked closely with Jay-J's family, the Retzer's, to push for final passage of the bill.

"Assaulting a child is a heinous crime that must be met with the strictest of punishments," Governor Cuomo said. "By enacting Jay-J's Law we are taking a step forward in safeguarding

children across New York State, and immediately ensuring that repeat offenders are met with heightened penalties that match the seriousness of their actions.”

Senator Kennedy said, “As the father of three children, I can't imagine how anyone could ever harm a child. We must do all we can to keep New York's kids safe, and it starts with Jay-J's Law.”

Kennedy added, “When I first met Jay-J and heard about the severe abuse he suffered, I knew we had to take action to secure justice for Jay-J and all victims of child abuse. Jay-J's Law will ensure repeat abusers who have a history of violence against children are charged with aggravated assault and kept behind bars for a long time. I want to thank Governor Cuomo for signing this bill, a critical step forward in the fight against child abuse. I also want to extend my deepest gratitude to Jay-J's family, the Retzer family, for their hard work and persistence throughout this long fight. They have been an inspiration to me and so many others -- sacrificing so much and working so hard to help Jay-J recover from his injuries and to get Jay-J's Law through the Legislature.”

The 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 a local jail. This charge could be elevated to an 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.

Assemblyman Dennis H. Gabryszak, who sponsored the Assembly bill, said, “I would like to thank the Governor for recognizing how important Jay-J’s bill is and for signing it into law. It has been a long journey for Jay-J and his family, but they never gave up on their fight to end child abuse. It is my hope that this law will give them some peace of mind knowing that these repeat offenders will receive the appropriate punishments that they deserve. We must do everything that we can to protect our innocent children and I promise to continue to advocate for harsher punishments for child abusers in the future.”

Kevin Retzer, who is Jay-J’s uncle and lobbied for the law’s passage, said, “Jay-J’s Law is a common-sense bill to make sure violent abusers are punished for hurting children. It won’t change the suffering Jay-J went through – or the struggles he faces now – but Jay-J’s law will help protect other children across New York State. We’re thrilled that Governor Cuomo has signed the bill into law and we want to thank him for all his efforts to keep children safe. Throughout this long fight, Senator Kennedy and Assemblyman Gabryszak stood at our sides and helped us navigate Jay-J’s Law through the Senate and Assembly. We want to thank them for working so hard on behalf of Jay-J.”

The bill takes effect immediately.

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