



NEW YORK STATE SENATOR

John J. Flanagan

Senate Passes Legislation To Protect Good Samaritans Who Rescue Children Locked In Cars

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Senate Majority Leader John Flanagan (2nd Senate District) joined with his Senate colleagues to pass legislation (S240), sponsored by Senator Jack Martins (7th Senate District), that would help protect children who become trapped inside an overheated car. Under the legislation, Good Samaritans who forcibly enter a car to rescue a child locked inside are immune from liability.

This legislation would allow an individual to legally break a window or forcibly enter a parked car without liability if there is a reasonable belief that these actions would assist a child under the age of eight years old who would suffer harm if not immediately removed from the vehicle.

“Those who act in good faith to rescue a child from serious harm or death should be lauded for their quick life-saving action. This legislation will ensure that those who act selflessly to avoid a horrible tragedy are protected by the law and are held harmless for their heroic actions. Thank you to Senator Martins for advancing this important issue and we look forward to the Assembly joining us in our action to protect those who protect our state’s children.”

Senator Martins said, “This legislation is entirely about saving children’s lives. A car left in the sun becomes an oven in a matter of minutes; a child locked in that car is literally in a life or death situation. When someone sees an unattended child trapped in a car, we want them to take action to protect that child, not ignore it. Exempting Good Samaritans from liability will help encourage people to rescue children from a potentially deadly situation.”

Anyone who forcibly enters the vehicle to rescue a child must also notify 911 or first responders immediately before or immediately after entering the vehicle and remain with the child on-site until help arrives.

According to KidsAndCars.org, a nationally recognized not-for-profit children’s safety organization, on average, 38 children die in hot cars each year from heat-related deaths after being trapped inside motor vehicles. Children's body temperatures increase three to five times faster than an adult – making immediate attention the difference between life and death for a young child.

The bill has been sent to the Assembly.