



**2018 New York State YMCA  
Youth And Government**

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FOR HEALTHY LIVING  
FOR SOCIAL RESPONSIBILITY

Committee Assignment: Assembly Freedom 6

Bill #: AF-39

1 **Sponsors:** Skyler Mongardi, Harrison Bender, and Baylee Vester

2

3 **An Act To**

4 Amend section § 260.10 of Penal Law to raise the penalty for child endangerment  
5 from a Class A misdemeanor to a Class D Felony.

6

7 *The People of the State of New York, represented in the Senate and Assembly do enact as follows:*

8

9 **Purpose**

10 To punish parents for the maltreatment of a child, and to ensure that children can  
11 live safely.

12

13 **Summary of Provisions**

14 **Section 1: Definitions**

15 Neglected child: A minor in deficit of their basic needs, including the failure to  
16 provide adequate health care, supervision, clothing, nutrition, housing and/or as  
17 well as their physical, emotional, social, educational and safety needs.

18 Juvenile Delinquency: A minor who participates in illegal activity.

19 Child Endangerment: An act or omission that renders a child to psychological,  
20 emotional, moral or physical abuse.

21 Parent/Guardian: The primary caretaker of a child or minor. This person may be  
22 appointed by the court when a child's biological parents are unable to provide care

23 **Section 2**

24 § 260.10 Endangering the welfare of a child.

25 A person is guilty of endangering the welfare of a child when:

26 1. He or she knowingly acts in a manner likely to be injurious to the  
27 physical, mental or moral welfare of a child less than seventeen years  
28 old or directs or authorizes such child to engage in an occupation involving a  
29 substantial risk of danger to his or her life or health; or

30 2. Being a parent, guardian or other person legally charged with the  
31 care or custody of a child less than eighteen years old, he or she fails  
32 or refuses to exercise reasonable diligence in the control of such child  
33 to prevent him or her from becoming an "abused child," a "neglected  
34 child," a "juvenile delinquent" or a "person in need of supervision," as those terms  
35 are defined in articles ten, three and seven of the family court act.

36 3. A person is not guilty of the provisions of this section when he or  
37 she engages in the conduct described in subdivision one of section 260.00 of  
38 this article: (a) with the intent to wholly abandon the child  
39 by relinquishing responsibility for and right to the care and custody  
40 of such child; (b) with the intent that the child be safe from physical  
41 injury and cared for in an appropriate manner; (c) the child is left  
42 with an appropriate person, or in a suitable location and the person  
43 who leaves the child promptly notifies an appropriate person of the child's  
44 location; ~~and (d) the child is not more than thirty days old.~~  
45 Endangering the welfare of a child is a class D felony.

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47 **Justification**

48 Child abuse is one of the most damaging offenses against our society. Some  
49 children's guardians are mentally and physically damaging our future by  
50 endangering 160,000 kids annually in New York State. Despite the more than likely  
51 long-lasting effects of abuse on a child, a person can only receive a maximum of  
52 one year in prison with potential to earn probation. This treatment of children is  
53 much too cruel a crime to receive such a minor punishment. Therefore, it is  
54 necessary for this bill to raise the penalty for child endangerment, which  
55 encompasses abuse, neglect, and the like in order to protect not only our future as  
56 a national and global society; but furthermore to protect the individual against  
57 obscenities from those in a relatively superior position.

58  
59 **Fiscal Implications**

60 For every year that a person is imprisoned due to this bill, taxpayers will pay an  
61 average of \$0.00302 per person per year.

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63 **Effective Date**

64 This bill will go into effect one year after passage.