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**Youth And Government**

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Committee Assignment: Assembly Liberty 4

Bill #:AL-31

**Sponsors:** Justin Brucato, Shantique Smith, Bryanna Walker

**An Act To**

Amend § 240.50 of the New York State penal law to raise the penalty for false child abuse accusations from a class A misdemeanor to a class E felony.

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

**Purpose**

Our bill is to increase the penalty on false accusations of child abuse from a class a misdemeanor to a class E felony.

**Summary of Provisions**

**Section 1: Definitions**

Child abuse: An act, or failure to act. On the part of parent or caretaker that results in death, serious pain or serious emotion harm, sexual abuse, or exploitation of a child, or which places the child in imminent risk or serious harm.

Class A Misdemeanor: Upon conviction of a class A misdemeanor, a court may sentence an individual to a maximum of one year in jail or three years of probation. In addition, a fine of up to \$1000 or twice the amount of the individual's gain from the crime may be imposed.

Class E felony: Are the least serious and carry penalties of up to three years in prison.

**Section 2:**

§ 240.50 falsely reporting an incident in the third degree. A person is guilty of falsely reporting an incident in the third degree when, knowing the information reported, conveyed or circulated to be false or baseless, he:

4. Reports, by word or action, to the statewide central register of child abuse and maltreatment, as defined in title six of article six of the social services law, an alleged occurrence or condition of child abuse or maltreatment which did not in fact occur or exist. The penalty for this crime will be a class E felony, which carries a punishment of up to three years in prison.

**Justification**

False accusations of child abuse are serious crimes. In 2018, out of 166,000 cases of child abuse, 118,846 were proven false. When a person is convicted of child abuse their name will be added to a database of people who mistreated children, and by law their name will have to stay for many years. Even when allegations are unfounded, names will stay on the registry until the youngest child in the case turns twenty-eight or five to seven years after the case is dismissed.

**Fiscal Implications** The cause of housing one inmate in NYS is \$60,000.

**Environmental Implications** There are no known environmental implications.

**Effective Date** This bill will go into effect one year after passage.