

THE STATE OF NEW YORK

NEW YORK 229TH ANNUAL LEGISLATIVE SESSION

SENATE BILL 7008

MARCH 14, 2006

INTRODUCED BY SENS. SPANO, SALAND, BONACIC, DEFRANCISCO, FARLEY,
FUSCHILLO,
JOHNSON, LARKIN, LEIBELL, MAZIARZ, MORAHAN, PADAVAN, RATH, TRUNZO, VOLKER,
WRIGHT, YOUNG -- READ TWICE AND ORDERED PRINTED, AND WHEN PRINTED TO BE
COMMITTED TO THE COMMITTEE ON CODES

VERSION: Enacted

VERSION-DATE: June 28, 2006

SYNOPSIS: AN ACT to amend the penal law and the public health law, in relation to enacting "Cynthia's law"

NOTICE:

[A> UPPERCASE TEXT WITHIN THESE SYMBOLS IS ADDED <A]

TEXT: THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. This act shall be known and may be cited as "Cynthia's law".

Section 2. Paragraph (c) of subdivision 1 of section 70.02 of the penal law, as separately amended by chapters 764 and 765 of the laws of 2005, is amended to read as follows:

(c) Class D violent felony offenses: an attempt to commit any of the class C felonies set forth in paragraph (b); [A> RECKLESS ASSAULT OF A CHILD AS DEFINED IN SECTION 120.02, <A] assault in the second degree as defined in section 120.05, menacing a police officer or peace officer as defined in section 120.18, stalking in the first degree, as defined in subdivision one of section 120.60, sexual abuse in the first degree as defined in section 130.65, course of sexual conduct against a child in the second degree as defined in section 130.80, aggravated sexual abuse in the third degree as defined in section 130.66, criminal possession of a weapon in the third degree as defined in subdivision four, five, six, seven or eight of section 265.02, criminal sale of a firearm in the third degree as defined in section 265.11, intimidating a victim or witness in the second degree as defined in section 215.16, soliciting or providing support for an act of terrorism in the second degree as defined in section 490.10, and making a terroristic threat as defined in section 490.20, falsely reporting an incident in the first degree as defined in section 240.60, placing a false bomb or hazardous substance in the first degree as defined in section 240.62, placing a false bomb or hazardous substance in a sports stadium or arena, mass transportation facility or enclosed shopping mall as defined in section 240.63, and aggravated unpermitted use of indoor pyrotechnics in the first degree as defined in section 405.18.

Section 3. The penal law is amended by adding a new section 120.02 to read as follows:

[A> SECTION 120.02 RECKLESS ASSAULT OF A CHILD. <A]

[A> 1. A PERSON IS GUILTY OF RECKLESS ASSAULT OF A CHILD WHEN, BEING EIGHTEEN YEARS OF AGE OR MORE, SUCH PERSON RECKLESSLY CAUSES SERIOUS PHYSICAL INJURY TO THE BRAIN OF A CHILD LESS THAN FIVE YEARS OLD BY SHAKING THE CHILD, OR BY SLAMMING OR THROWING THE CHILD SO AS TO IMPACT THE CHILD'S HEAD ON A HARD SURFACE OR OBJECT. <A]

[A> 2. FOR PURPOSES OF SUBDIVISION ONE OF THIS SECTION, THE FOLLOWING SHALL CONSTITUTE "SERIOUS PHYSICAL INJURY": <A]

[A> A. "SERIOUS PHYSICAL INJURY" AS DEFINED IN SUBDIVISION TEN OF SECTION 10.00 OF THIS CHAPTER; OR <A]

[A> B. EXTREME ROTATIONAL CRANIAL ACCELERATION AND DECELERATION AND ONE OR MORE OF THE FOLLOWING: (I) SUBDURAL HEMORRHAGING; (II) INTRACRANIAL HEMORRHAGING; OR (III) RETINAL HEMORRHAGING. <A]

[A> RECKLESS ASSAULT OF A CHILD IS A CLASS D FELONY. <A]

Section 4. The public health law is amended by adding a new section 2745 to read as follows:

[A> SECTION 2745. SHAKEN BABY SYNDROME PUBLIC EDUCATIONAL CAMPAIGN. THE DEPARTMENT SHALL DEVELOP AND IMPLEMENT AN ONGOING PUBLIC INFORMATION AND EDUCATIONAL CAMPAIGN TO INFORM THE GENERAL PUBLIC ABOUT BRAIN INJURIES AND OTHER HARMFUL EFFECTS THAT MAY RESULT FROM SHAKING INFANTS AND CHILDREN UNDER FIVE YEARS OF AGE. THE PROGRAM SHALL INCLUDE, WITHOUT LIMITATION, THE FOLLOWING ELEMENTS: EDUCATIONAL AND INFORMATIONAL MATERIALS IN PRINT, AUDIO, VIDEO, ELECTRONIC AND OTHER MEDIA AND PUBLIC SERVICE ANNOUNCEMENTS AND ADVERTISEMENTS. <A]

Section 5. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

SPONSOR: Spano