



Legislation Details (With Text)

File #: Res 0943-2003 **Version:** * **Name:** Increase the punishment for endangering the welfare of a child or a mentally or physically challenged person and to designate these crimes as felonies.

Type: Resolution **Status:** Filed

In control: Committee on Public Safety

On agenda: 6/17/2003

Enactment date: **Enactment #:**

Title: Resolution calling upon the New York State Legislature to increase the punishment for endangering the welfare of a child or a mentally or physically challenged person and to designate these crimes as felonies.

Sponsors: Peter F. Vallone, Jr., Joseph P. Addabbo, Jr., Tony Avella, Leroy G. Comrie, Jr., Lewis A. Fidler, Vincent J. Gentile, Melinda R. Katz, John C. Liu, Margarita Lopez, Hiram Monserrate, Michael C. Nelson, Domenic M. Recchia, Jr., James Sanders, Jr., Larry B. Seabrook, Helen Sears, David I. Weprin, Pedro Espada, Jr.

Indexes:

Attachments:

Date	Ver.	Action By	Action	Result
6/17/2003	*	City Council	Referred to Comm by Council	
6/17/2003	*	City Council	Introduced by Council	
12/31/2003	*	City Council	Filed (End of Session)	

Res. No. 943
Resolution calling upon the New York State Legislature to increase the punishment for endangering the welfare of a child or a mentally or physically challenged person and to designate these crimes as felonies.

By Council Members Vallone, Addabbo, Avella, Comrie, Fidler, Gentile, Katz, Liu, Lopez, Monserrate, Nelson, Recchia, Sanders, Seabrook, Sears, Weprin and Espada

Whereas, A central tenet of a just society is the care and protection of those who are least able to fend for themselves; and
 Whereas, In keeping with this principle, there are numerous state laws protecting children, the mentally and physically challenged, and the elderly; and
 Whereas, The punishments for abusing these most vulnerable of New Yorkers vary greatly; and
 Whereas, Pursuant to Penal Law §§ 260.32 and 260.34, a caregiver who injures a vulnerable elderly person may be charged with a felony and punished by up to seven years of imprisonment; and
 Whereas, In contrast, pursuant to Penal Law §§ 260.10 and 260.25, a person may be guilty of endangering the welfare of a child or a mentally or physically challenged person when he or she acts in a manner "likely to be injurious to the physical, mental or moral welfare" or a child or mentally or physically challenged person; such crime is only a misdemeanor and punished by less than one year of imprisonment; and
 Whereas, When the State Legislature enacted the crime of endangering the welfare of a vulnerable elderly person in 1998, it essentially raised the penalty classification for assault of a vulnerable elderly person by a caregiver from a misdemeanor to a felony; and
 Whereas, According to the Governor's statement in support of Penal Law § 260.34, "We owe a special duty of care to our elderly and disabled citizens. Since they are not fully able to protect themselves, our criminal laws must ensure that those who prey on the elderly and infirm face appropriately severe punishment for their despicable acts of abuse;" and
 Whereas, There is no principled distinction between abusing a vulnerable elderly person and abusing a child or a mentally or physically challenged person; and
 Whereas, The State Legislature, as it did with vulnerable elderly persons, should raise the penalty classification for assaulting a child or a mentally or physically challenged person from a misdemeanor to a felony; and
 Whereas, Abusing a child or a mentally or physically challenged person is a horrible crime that should be treated as a felony with the potential for more than one year of imprisonment; now, therefore, be it
 Resolved, That the Council of the City of New York calls upon the New York State Legislature to increase the punishment for endangering the welfare of a child or a mentally or physically challenged person and to designate these crimes as felonies.

RBU
LS# 2564
6/12/2003 12:00 PM