Legislation Details (With Text)

File #:	Res 0107-2006	**Version:**	*	**Name:**	Amend the Penal Law so that those who kill a child as a result of recklessness are eligible for a significant prison term.
Type:	Resolution			**Status:**	Filed
				In control:	Committee on Public Safety
On agenda:	2/15/2006				
Enactment date:				**Enactment #:**	
Title:	Resolution calling on the New York State Legislature to amend the Penal Law so that those who kill a child as a result of recklessness are eligible for a significant prison term.				
Sponsors:	Peter F. Vallone, Jr., Vincent J. Gentile, Melissa Mark-Viverito, Michael C. Nelson, John C. Liu				
Indexes:					
Attachments:	1. Committee Report 1/13/09, 2. Hearing Testimony 1/13/09, 3. Hearing Transcript 1/13/09				

Date	Ver.	Action By	Action	Result
2/15/2006	*	City Council	Introduced by Council	
2/15/2006	*	City Council	Referred to Comm by Council	
1/13/2009	*	Committee on Public Safety	Hearing Held by Committee	
1/13/2009	*	Committee on Public Safety	Laid Over by Committee	
12/31/2009	*	City Council	Filed (End of Session)	

Res. No. 107

Resolution calling on the New York State Legislature to amend the Penal Law so that those who kill a child as a result of recklessness are eligible for a significant prison term.

By Council Members Vallone Jr., Gentile, Mark-Viverito, Nelson and Liu

Whereas, The brutal torture and death of Nixzmary Brown at the hands of her parents points to several changes that must be made to the state's Penal Law so that those who kill a child in their care are adequately punished; and

Whereas, As stated by Queens DA Richard Brown, "while a small percentage of abusers intentionally kill children, the vast majority of child deaths resulting from abuse are caused by reckless acts of caregivers, such as sudden violent beatings and shakings visited upon children in fits of frustration and anger"; and

Whereas, The top possible charge for these types of crimes is a C felony which, in some instances, may allow a defendant to be eligible for probation; and

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Whereas, As stated by DA Brown, “That law should be changed: Someone who beats a child to death should go to prison even if the killer was “merely” being reckless”; and

Whereas, The killing of a child by a parent or caregiver, whether intentional or reckless, should be appropriately punished, and the State Legislature should make the occasion of Nixzmary Brown’s death an opportunity to do so; now, therefore, be it

Resolved, That the Council of the city of New York calls on the New York State Legislature to amend the Penal Law so that those who kill a child as a result of recklessness are eligible for a significant prison term.

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