

# STATE OF NEW YORK

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1626--A

Cal. No. 451

2005-2006 Regular Sessions

## IN SENATE

January 31, 2005

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Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- recommitted to the Committee on Codes in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, passed by Senate and delivered to the Assembly, recalled, vote reconsidered, restored to third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the criminal procedure law, in relation to the commission of crimes against children

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

1 Section 1. The criminal procedure law is amended by adding a new  
2 section 440.65 to read as follows:  
3 § 440.65 Notice to child protective agency of conviction for certain  
4 crimes against a child.  
5 Upon conviction of any person for a crime under article one hundred  
6 twenty, article one hundred twenty-five, article one hundred thirty,  
7 article two hundred sixty or article two hundred sixty-three of the  
8 penal law committed against a child under the age of eighteen by a  
9 person legally responsible for such child, as defined in subdivision  
10 three of section four hundred twelve of the social services law, the  
11 district attorney serving the jurisdiction in which such conviction is  
12 entered shall notify the local child protective services agency of such  
13 conviction including the name of the defendant, the name of the child,  
14 the court case number and the name of the prosecutor who appeared for  
15 the people.  
16 § 2. This act shall take effect on the thirtieth day after it shall  
17 have become a law.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD08012-03-6

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NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S1626A

**SPONSOR:** LAVALLE

**TITLE OF BILL:**

An act to amend the criminal procedure law, in relation to the commission of crimes against children

**PURPOSE:**

To assure that when an individual is convicted of a crime against a child including abandonment, non-support, endangering the welfare of a child and sexual performance by a child, the office of the District Attorney notifies the local child protective services agency.

**SUMMARY OF PROVISIONS:**

Section 1. Adds a new Section 440.65 to the Criminal Procedure Law.

**JUSTIFICATION:**

Under current law, District Attorneys are mandated to report suspected cases of child abuse to the state central registry of child abuse. Such reports are usually made upon arrest or at the commencement of criminal proceedings. The actual conviction for a crime against a child may actually come some months later but prosecutors are not required to report it to the local child protective services agency.

This legislation will assure that the local child protective agency is on notice of the conviction. Having this information will allow the agency to have a more complete picture of the events surrounding violence against a child. If a family court proceeding is pending against the convicted person, the conviction can be brought to the attention of the judge who is determining whether or not a child should be returned to the person convicted or if some other resolution of the case is necessary in order to protect the child.

**LEGISLATIVE HISTORY:**

2003-2004, S.3183;  
2001-2002, S.66 Passed Senate;  
1999-2000, (S.2352) Passed Senate.

**FISCAL IMPLICATIONS:**

Negligible.

**EFFECTIVE DATE:**

This act shall take effect immediately.

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