

INTRO 9-8

ECLEG MAY08'12 AM10:27

**A PROCLAMATION TO BE SUBMITTED
BY LEGISLATORS MAZUR, HOGUES, GRANT, MARINELLI,
HARDWICK, LOUGHRAN, McCracken & LORIGO**

RE: Expressing Support for A.9488/S.6508 – Jay J.’s Law – to Increase the Criminal Penalty for Repeat Child Abusers

WHEREAS, Jay J. Bolvin is a two-year-old boy who, as an infant, suffered a beating at the hands of his father that was so severe Jay J. suffered brain damage resulting in a seizure disorder and developmental delays; and

WHEREAS, for this horrific crime, Jay J.’s father received the maximum sentence allowed under New York State law – a mere 1 ½ to 4 years in prison -- which pales in comparison to the life sentence of challenges and limitations that will be faced by his son; and

WHEREAS, according to media reports, Jay J. suffered 11 separate fractures in his body from his father’s beatings, indicating a long history of abuse perpetrated on this helpless little boy; and

WHEREAS, Jay J.’s father had previously been convicted of third-degree assault for breaking the arm of another son, just six months old, in 2006; and

WHEREAS, these tragedies cry out for justice for abused children and are the specific crimes that prompted Assemblyman Dennis Gabryszak and State Senator Timothy Kennedy to introduce Jay J.’s law (A.9488/S.6508), a two-house bill that merits approval during the current session of the State Legislature; and

WHEREAS, under this proposed law, an assault of a child by a defendant with a previous conviction for an assault or attempted assault of a child shall be an assault in the first degree, also known as aggravated assault, will be designated a class D felony if perpetrated against a child under 11 years of age, and will carry a potential penalty of a seven year maximum sentence; and

WHEREAS, this legislation would strengthen penalties against repeat violent offenders, including elevation of the assault charge to a class B felony if a third child abuse offense occurs, a felony that carries a maximum sentence of 25 years.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature go on record in full support of Assembly Bill 9488/Senate Bill 6508, known as Jay J.’s Law, which increases the penalties for individuals convicted of repeat child abuse; and be it further

RESOLVED, that the Clerk of the Legislature is hereby authorized to forward certified copies of this resolution to Governor Andrew Cuomo, Speaker of the Assembly Sheldon Silver, Majority Leader of the State Senate Dean Skelos, Assemblyman Dennis Gabryszak, Senator Timothy Kennedy & the WNY Delegation to the State Legislature, District Attorney Frank Sedita and County Executive Mark Poloncarz.

FISCAL IMPACT: None for resolution.