

# 2C:12-1.3

## LEGISLATIVE HISTORY CHECKLIST

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**LAWS OF:** 2011                    **CHAPTER:** 174

**NJSA:** 2C:12-1.3 ("Caylee's Law;" upgrades penalties for failing to report a death; criminalizes failure to report disappearance of child within 24 hours)

**BILL NO:** A4297 (Substituted for S3010)

**SPONSOR(S)** Wisniewski and others

**DATE INTRODUCED:** November 21, 2011

**COMMITTEE:**                    **ASSEMBLY:** Law and Public Safety

**SENATE:** ---

**AMENDED DURING PASSAGE:** No

**DATE OF PASSAGE:**                    **ASSEMBLY:** December 15, 2011

**SENATE:** December 15, 2011

**DATE OF APPROVAL:** January 5, 2012

### FOLLOWING ARE ATTACHED IF AVAILABLE:

#### FINAL TEXT OF BILL (Assembly Committee Substitute enacted)

##### A4297

**SPONSOR'S STATEMENT:** (Begins on page 2 of introduced bill) Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** Yes

**SENATE:** No

(Audio archived recordings of the committee meetings, corresponding to the date of the committee statement, *may possibly* be found at [www.njleg.state.nj.us](http://www.njleg.state.nj.us))

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

##### S3010/3014

**SPONSOR'S STATEMENT S3010:** (Begins on page 2 of introduced bill) Yes

**SPONSOR'S STATEMENT S3014:** (Begins on page 4 of introduced bill) Yes

**COMMITTEE STATEMENT:**                    **ASSEMBLY:** No

**SENATE:** Yes

**FLOOR AMENDMENT STATEMENT:** No

**LEGISLATIVE FISCAL ESTIMATE:** No

(continued)

**VETO MESSAGE:**

No

**GOVERNOR'S PRESS RELEASE ON SIGNING:**

No

**FOLLOWING WERE PRINTED:**

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**REPORTS:**

No

**HEARINGS:**

No

**NEWSPAPER ARTICLES:**

No

LAW/RWH

P.L.2011, CHAPTER 174, *approved January 5, 2012*  
Assembly Committee Substitute for  
Assembly, No. 4297

1 AN ACT concerning certain reporting requirements, designated as  
2 Caylee's Law, amending P.L.1967, c.234, and supplementing  
3 chapter 12 of Title 2C of the New Jersey Statutes.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. Section 12 of P.L.1967, c.234 (C.52:17B-89) is amended to  
9 read as follows:

10 12. Any person who may become aware of any death by criminal  
11 violence **[or]**, by accident or suicide, or in any suspicious or  
12 unusual manner, shall report **[such]** that death to the office of  
13 county medical examiner, the office of State Medical Examiner, or  
14 to the police department of the municipality in which **[such]** the  
15 person died.

16 Any person who shall willfully neglect or refuse to report **[such]**  
17 the death, or who, without an order from the office of county  
18 medical examiner or the office of State Medical Examiner, shall  
19 willfully touch, remove, or disturb the body of **[any such]** the  
20 person, or touch, remove or disturb the clothing upon or near  
21 **[such]** the body, is **[a disorderly person]** guilty of a crime of the  
22 fourth degree.

23 (cf: P.L.1967, c.234, s.12)

24

25 2. (New section) a. A parent, guardian, or other person with  
26 legal custody of a child who knew or should have known of the  
27 disappearance of a child for which that parent, guardian, or other  
28 person is responsible who fails to report the missing child to the  
29 appropriate law enforcement agency within 24 hours shall be guilty  
30 of a crime of the fourth degree.

31 b. For the purposes of this section, a "missing child" means a  
32 person 13 years of age or younger whose whereabouts are not  
33 currently known.

34

35 3. This act shall take effect immediately.

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

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STATEMENT

This bill would increase the penalties for failing to report a death and would make it crime for failing to report a missing child.

Under current law, a person who becomes aware of a death by criminal violence or accident is required to report that death to the county medical examiner, the State Medical Examiner, or the municipal police department where the death occurred. A person who willfully neglects or refuses to report the death, or who touches, removes, or disturbs the body of the dead person, is guilty of a disorderly persons offense. A disorderly persons offense is punishable by up to six months in prison, a fine of up to \$1,000, or both. This bill would upgrade this offense to a crime of the fourth degree. Fourth degree crimes are punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

The bill also makes it a crime of the fourth degree for a responsible parent, guardian, or other person with legal custody of a child who knew or should have known of the disappearance of that child to fail to report the missing child to the appropriate law enforcement agency within 24 hours.

This bill, named "Caylee's Law," is in response to the tragic case of Caylee Anthony, whose mother, Casey Anthony, was recently found not guilty of Caylee's murder. In that case, Caylee Anthony was missing for 31 days before her disappearance was reported by her grandmother. This bill addresses this situation by imposing harsher penalties on anyone who fails to report a child's death and criminalizing the failure of parents to promptly notify authorities when their child is missing.

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"Caylee's Law;" upgrades penalties for failing to report a death; criminalizes failure to report disappearance of child within 24 hours.

# ASSEMBLY, No. 4297

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED NOVEMBER 21, 2011

**Sponsored by:**

**Assemblyman JOHN S. WISNIEWSKI**

**District 19 (Middlesex)**

**Assemblywoman CONNIE WAGNER**

**District 38 (Bergen)**

**Assemblyman CHARLES MAINOR**

**District 31 (Hudson)**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex)**

**Assemblyman VINCENT PRIETO**

**District 32 (Bergen and Hudson)**

**Assemblywoman ELEASE EVANS**

**District 35 (Bergen and Passaic)**

**Assemblyman ANGEL FUENTES**

**District 5 (Camden and Gloucester)**

**Co-Sponsored by:**

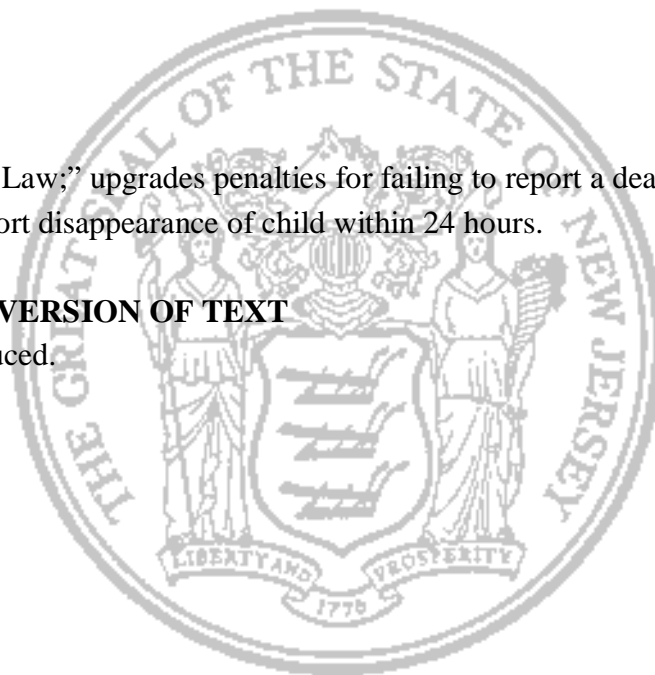
**Assemblymen O'Donnell, Diegnan, Rumpf, Assemblywoman Gove and  
Assemblyman Coughlin**

**SYNOPSIS**

“Caylee’s Law;” upgrades penalties for failing to report a death; criminalizes failure to report disappearance of child within 24 hours.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 12/9/2011)**

1 AN ACT concerning certain reporting requirements, designated as  
2 Caylee's Law, amending P.L.1967, c.234, and supplementing  
3 chapter 12 of Title 2C of the New Jersey Statutes.

4  
5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7  
8 1. Section 12 of P.L.1967, c.234 (C.52:17B-89) is amended to  
9 read as follows:

10 12. Any person who may become aware of any death by criminal  
11 violence **[or]**, by accident or suicide, or in any suspicious or  
12 unusual manner, shall report **[such]** that death to the office of  
13 county medical examiner, the office of State Medical Examiner, or  
14 to the police department of the municipality in which **[such]** the  
15 person died.

16 Any person who shall willfully neglect or refuse to report **[such]**  
17 the death, or who, without an order from the office of county  
18 medical examiner or the office of State Medical Examiner, shall  
19 willfully touch, remove, or disturb the body of **[any such]** the  
20 person, or touch, remove or disturb the clothing upon or near  
21 **[such]** the body, is **[a disorderly person]** guilty of a crime of the  
22 fourth degree.

23 (cf: P.L.1967, c.234, s.12)

24  
25 2. (New section) a. A parent, guardian, or other person with  
26 legal custody of a child who knew or should have known of the  
27 disappearance of a child for which that parent, guardian, or other  
28 person is responsible who fails to report the missing child to the  
29 appropriate law enforcement agency within 24 hours shall be guilty  
30 of a crime of the fourth degree.

31 b. For the purposes of this section, a "missing child" means a  
32 person 13 years of age or younger whose whereabouts are not  
33 currently known.

34  
35 3. This act shall take effect immediately.

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38 STATEMENT

39  
40 This bill would increase the penalties for failing to report a death  
41 and would make it crime for failing to report a missing child.

42 Under current law, a person who becomes aware of a death by  
43 criminal violence or accident is required to report that death to the  
44 county medical examiner, the State Medical Examiner, or the  
45 municipal police department where the death occurred. A person

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted in the law.

**Matter underlined thus is new matter.**

**A4297 WISNIEWSKI, WAGNER**

3

1 who willfully neglects or refuses to report the death, or  
2 who touches, removes, or disturbs the body of the dead person, is  
3 guilty of a disorderly persons offense. A disorderly persons offense  
4 is punishable by up to six months in prison, a fine of up to \$1,000,  
5 or both. This bill would upgrade this offense to a crime of the  
6 fourth degree. Fourth degree crimes are punishable by a term of  
7 imprisonment of up to 18 months, a fine of up to \$10,000, or both.

8 The bill also makes it a crime of the fourth degree for a  
9 responsible parent, guardian, or other person with legal custody of a  
10 child who knew or should have known of the disappearance of that  
11 child to fail to report the missing child to the appropriate law  
12 enforcement agency within 24 hours.

13 This bill, named "Caylee's Law," is in response to the tragic case  
14 of Caylee Anthony, whose mother, Casey Anthony, was recently  
15 found not guilty of Caylee's murder. In that case, Caylee Anthony  
16 was missing for 31 days before her disappearance was reported by  
17 her grandmother. This bill addresses this situation by imposing  
18 harsher penalties on anyone who fails to report a child's death and  
19 criminalizing the failure of parents to promptly notify authorities  
20 when their child is missing.

# ASSEMBLY LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### ASSEMBLY COMMITTEE SUBSTITUTE FOR ASSEMBLY, No. 4297

# STATE OF NEW JERSEY

DATED: DECEMBER 8, 2011

The Assembly Law and Public Safety Committee reports favorably an Assembly Committee Substitute for Assembly Bill No. 4297.

This Assembly committee substitute for Assembly Bill No. 4297, to be designated as “Caylee’s Law,” increases the penalties for failing to report a death and makes it a crime for failing to report a missing child.

Under current law, a person who becomes aware of a death by criminal violence or accident is required to report that death to the county medical examiner, the State Medical Examiner, or the municipal police department where the death occurred. A person who willfully neglects or refuses to report the death, or who touches, removes, or disturbs the body of the dead person, is guilty of a disorderly persons offense. A disorderly persons offense is punishable by up to six months in prison, a fine of up to \$1,000, or both. This committee substitute would upgrade this offense to a crime of the fourth degree. Fourth degree crimes are punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

The committee substitute also makes it a crime of the fourth degree for a responsible parent, guardian, or other person with legal custody of a child to knowingly fail to report the child’s disappearance to the appropriate law enforcement agency within 24 hours of becoming aware of that child’s disappearance.

It is the committee’s understanding that this substitute is a response to the tragic case of Caylee Anthony, a Florida child who was missing for 31 days before her disappearance was reported by her grandmother. Caylee’s mother, Casey Anthony, was found not guilty of her daughter’s murder. The substitute addresses this situation by imposing harsher penalties on anyone who fails to report a child’s death and criminalizing the failure of parents to promptly notify authorities when their child is missing.

This committee substitute is identical to Senate Committee Substitute for Senate Bill Nos. 3010 and 3014, as reported by the Senate Law and Public Safety Committee on November 21, 2011.



# SENATE, No. 3010

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JULY 12, 2011

**Sponsored by:**

**Senator NICHOLAS J. SACCO**

**District 32 (Bergen and Hudson)**

**Senator LINDA R. GREENSTEIN**

**District 14 (Mercer and Middlesex)**

**Co-Sponsored by:**

**Senators Codey, Girgenti, Buono, Vitale, Ruiz, Scutari, Rice, Weinberg, Beach, Turner, Gordon, Stack, Cunningham, Van Drew, Norcross, Madden, B.Smith, Sarlo, Whelan, Lesniak and Sweeney**

**SYNOPSIS**

“Caylee’s Law;” upgrades penalties for failing to report a death; criminalizes failure to report disappearance of child within 24 hours.

**CURRENT VERSION OF TEXT**

As introduced.



S3010 SACCO, GREENSTEIN

2

1 AN ACT concerning certain reporting requirements, designated as  
2 Caylee's Law, amending P.L.1967, c.234, and supplementing  
3 chapter 12 of Title 2C of the New Jersey Statutes.

4  
5 **BE IT ENACTED** *by the Senate and General Assembly of the State*  
6 *of New Jersey:*

7  
8 1. Section 12 of P.L.1967, c.234 (C.52:17B-89) is amended to  
9 read as follows:

10 12. Any person who may become aware of any death by  
11 criminal violence **[or]**, by accident or suicide, or in any suspicious  
12 or unusual manner, shall report **[such]** that death to the office of  
13 county medical examiner, the office of State Medical Examiner, or  
14 to the police department of the municipality in which **[such]** the  
15 person died.

16 Any person who shall willfully neglect or refuse to report **[such]**  
17 the death, or who, without an order from the office of county  
18 medical examiner or the office of State Medical Examiner, shall  
19 willfully touch, remove, or disturb the body of **[any such]** the  
20 person, or touch, remove or disturb the clothing upon or near  
21 **[such]** the body, is **[a disorderly person]** guilty of a crime of the  
22 fourth degree.

23 (cf: P.L.1967, c.234, s.12)

24  
25 2. (New section) a. A parent, guardian, or other person with  
26 legal custody of a child who knew or should have known of the  
27 disappearance of a child for which that parent, guardian, or other  
28 person is responsible who fails to report the missing child to the  
29 appropriate law enforcement agency within 24 hours shall be guilty  
30 of a crime of the fourth degree.

31 b. For the purposes of this section, a "missing child" means a  
32 person 13 years of age or younger whose whereabouts are not  
33 currently known.

34  
35 3. This act shall take effect immediately.

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38 STATEMENT

39  
40 This bill would increase the penalties for failing to report a death  
41 and would make it crime for failing to report a missing child.

42 Under current law, a person who becomes aware of a death by  
43 criminal violence or accident is required to report that death to the  
44 county medical examiner, the State Medical Examiner, or the

**EXPLANATION** – Matter enclosed in bold-faced brackets **[thus]** in the above bill is  
not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

**S3010 SACCO, GREENSTEIN**

1 municipal police department where the death occurred. A person  
2 who willfully neglects or refuses to report the death, or  
3 who touches, removes, or disturbs the body of the dead person, is  
4 guilty of a disorderly persons offense. A disorderly persons offense  
5 is punishable by up to six months in prison, a fine of up to \$1,000,  
6 or both. This bill would upgrade this offense to a crime of the  
7 fourth degree. Fourth degree crimes are punishable by a term of  
8 imprisonment of up to 18 months, a fine of up to \$10,000, or both.

9 The bill also makes it a crime of the fourth degree for a  
10 responsible parent, guardian, or other person with legal custody of a  
11 child who knew or should have known of the disappearance of that  
12 child to fail to report the missing child to the appropriate law  
13 enforcement agency within 24 hours.

14 This bill, named "Caylee's Law," is in response to the tragic case  
15 of Caylee Anthony, whose mother, Casey Anthony, was recently  
16 found not guilty of Caylee's murder. In that case, Caylee Anthony  
17 was missing for 31 days before her disappearance was reported by  
18 her grandmother. This bill addresses this situation by imposing  
19 harsher penalties on anyone who fails to report a child's death and  
20 criminalizing the failure of parents to promptly notify authorities  
21 when their child is missing.

# SENATE, No. 3014

## STATE OF NEW JERSEY 214th LEGISLATURE

INTRODUCED JULY 12, 2011

**Sponsored by:**

**Senator THOMAS H. KEAN, JR.**

**District 21 (Essex, Morris, Somerset and Union)**

**Senator DIANE B. ALLEN**

**District 7 (Burlington and Camden)**

**Co-Sponsored by:**

**Senators Addiego, S.Kean, Connors, Kyrillos, O'Toole, Bateman, Singer,  
Oroho and A.R.Bucco**

**SYNOPSIS**

“Caylee’s Law;” establishes penalties for failing to report to authorities or otherwise concealing death or disappearance of a child.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 8/26/2011)**

1 AN ACT concerning the death or disappearance of a child,  
2 designated as "Caylee's Law," and amending N.J.S.2C:24-4 and  
3 N.J.S.2C:28-4.

4

5 **BE IT ENACTED** by the Senate and General Assembly of the State  
6 of New Jersey:

7

8 1. N.J.S.2C:24-4 is amended to read as follows:

9 2C:24-4. Endangering Welfare of Children.

10 a. Any person having a legal duty for the care of a child or who  
11 has assumed responsibility for the care of a child who engages in  
12 sexual conduct which would impair or debauch the morals of the  
13 child, or who causes the child harm that would make the child an  
14 abused or neglected child as defined in R.S.9:6-1, R.S.9:6-3 and  
15 P.L.1974, c.119, s.1 (C.9:6-8.21) is guilty of a crime of the second  
16 degree. Any other person who engages in conduct or who causes  
17 harm as described in this subsection to a child under the age of 16 is  
18 guilty of a crime of the third degree.

19 b. (1) As used in this subsection:

20 "Child" means any person under 16 years of age.

21 "Internet" means the international computer network of both  
22 federal and non-federal interoperable packet switched data  
23 networks.

24 "Prohibited sexual act" means

25 (a) Sexual intercourse; or

26 (b) Anal intercourse; or

27 (c) Masturbation; or

28 (d) Bestiality; or

29 (e) Sadism; or

30 (f) Masochism; or

31 (g) Fellatio; or

32 (h) Cunnilingus; or

33 (i) Nudity, if depicted for the purpose of sexual stimulation or  
34 gratification of any person who may view such depiction; or

35 (j) Any act of sexual penetration or sexual contact as defined in  
36 N.J.S.2C:14-1.

37 "Reproduction" means, but is not limited to, computer generated  
38 images.

39 (2) (Deleted by amendment, P.L.2001, c.291).

40 (3) A person commits a crime of the second degree if he causes  
41 or permits a child to engage in a prohibited sexual act or in the  
42 simulation of such an act if the person knows, has reason to know  
43 or intends that the prohibited act may be photographed, filmed,  
44 reproduced, or reconstructed in any manner, including on the  
45 Internet, or may be part of an exhibition or performance. If the

**EXPLANATION – Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.**

**Matter underlined thus is new matter.**

1 person is a parent, guardian or other person legally charged with the  
2 care or custody of the child, the person shall be guilty of a crime of  
3 the first degree.

4 (4) Any person who photographs or films a child in a prohibited  
5 sexual act or in the simulation of such an act or who uses any  
6 device, including a computer, to reproduce or reconstruct the image  
7 of a child in a prohibited sexual act or in the simulation of such an  
8 act is guilty of a crime of the second degree.

9 (5) (a) Any person who knowingly receives for the purpose of  
10 selling or who knowingly sells, procures, manufactures, gives,  
11 provides, lends, trades, mails, delivers, transfers, publishes,  
12 distributes, circulates, disseminates, presents, exhibits, advertises,  
13 offers or agrees to offer, through any means, including the Internet,  
14 any photograph, film, videotape, computer program or file, video  
15 game or any other reproduction or reconstruction which depicts a  
16 child engaging in a prohibited sexual act or in the simulation of  
17 such an act, is guilty of a crime of the second degree.

18 (b) Any person who knowingly possesses or knowingly views  
19 any photograph, film, videotape, computer program or file, video  
20 game or any other reproduction or reconstruction which depicts a  
21 child engaging in a prohibited sexual act or in the simulation of  
22 such an act, including on the Internet, is guilty of a crime of the  
23 fourth degree.

24 (6) For purposes of this subsection, a person who is depicted as  
25 or presents the appearance of being under the age of 16 in any  
26 photograph, film, videotape, computer program or file, video game  
27 or any other reproduction or reconstruction shall be rebuttably  
28 presumed to be under the age of 16. If the child who is depicted as  
29 engaging in, or who is caused to engage in, a prohibited sexual act  
30 or simulation of a prohibited sexual act is under the age of 16, the  
31 actor shall be strictly liable and it shall not be a defense that the  
32 actor did not know that the child was under the age of 16, nor shall  
33 it be a defense that the actor believed that the child was 16 years of  
34 age or older, even if such a mistaken belief was reasonable.

35 c. Any person who fails to notify the appropriate law  
36 enforcement agency of the death or disappearance of a child under  
37 the person's legal duty of care within 24 hours from when the  
38 person knew or should have known of that death or disappearance is  
39 guilty of a crime of the third degree and, notwithstanding the  
40 provisions of subsection a. of N.J.S.2C:43-6, the term of  
41 imprisonment shall include a mandatory minimum term of three  
42 years, during which time the defendant shall be ineligible for  
43 parole.

44 (cf: P.L.2001, c.291, s.1)

45

46 2. N.J.S.2C:28-4 is amended to read as follows:

47 a. Falsely incriminating another. A person who knowingly  
48 gives or causes to be given false information to any law

1 enforcement officer with purpose to implicate another commits a  
2 crime of the fourth degree.

3 b. Fictitious reports. A person commits a disorderly persons  
4 offense if he:

5 (1) Reports or causes to be reported to law enforcement  
6 authorities an offense or other incident within their concern  
7 knowing that it did not occur; or

8 (2) Pretends to furnish or causes to be furnished such authorities  
9 with information relating to an offense or incident when he knows  
10 he has no information relating to such offense or incident.

11 c. Concealing death or disappearance of child. A person  
12 having a legal duty of care over a child who knowingly conceals the  
13 death or disappearance of that child by providing false information  
14 to a law enforcement officer with purpose to obstruct, delay,  
15 prevent, or impede an investigation of the death or disappearance of  
16 the child shall be guilty of a crime of the second degree.

17 For the purposes of this subsection, the term "child" means any  
18 person under 16 years of age.

19 (cf: N.J.S.2C:28-4)

20

21 3. This act shall take effect immediately.

22

23

24

#### STATEMENT

25

26 This bill would establish new penalties for failing to report or  
27 concealing the death or disappearance of a child.

28 The bill adds a provision to the State's law on endangering the  
29 welfare of a child to make it a crime of the third degree for a person  
30 to fail to notify the appropriate law enforcement agency of the death  
31 or disappearance of a child under the person's legal duty of care  
32 within 24 hours from when the person knew or should have known  
33 of that death or disappearance. Third degree crimes are generally  
34 punishable by a fine of up to \$15,000, a term of imprisonment of  
35 three to five years, or both, but under the bill, a person convicted of  
36 this crime would have to serve at least three years before being  
37 eligible for parole.

38 The bill also establishes as a crime of the second degree  
39 concealing the death or disappearance of child under a person's  
40 legal duty of care. A person is guilty of this crime if that person  
41 provides false information to a law enforcement officer with  
42 purpose to obstruct, delay, prevent, or impede an investigation of  
43 the death or disappearance of the child. Crimes of the second  
44 degree are punishable by a fine of up to \$150,000, a term of  
45 imprisonment of five to 10 years, or both.

46 This bill, named "Caylee's Law," is in response to the tragic case  
47 of Caylee Anthony, whose mother, Casey Anthony, was recently  
48 found not guilty of Caylee's murder. In the case, Caylee Anthony

1 was missing for 31 days before her disappearance was reported by  
2 her grandmother. Her grandmother's report to authorities came only  
3 after Casey Anthony finally admitted that the child was missing.  
4 During the ensuing missing person investigation, Casey Anthony  
5 lied to law enforcement concerning Caylee Anthony's whereabouts;  
6 these false statements are the only offenses of which Casey  
7 Anthony was convicted in the case. This bill addresses this  
8 situation by imposing new penalties on anyone who endangers the  
9 welfare of a child by failing to report that child's death or  
10 disappearance or who conceals such death or disappearance.



# SENATE LAW AND PUBLIC SAFETY COMMITTEE

## STATEMENT TO

### SENATE COMMITTEE SUBSTITUTE FOR **SENATE, Nos. 3010 and 3014**

# **STATE OF NEW JERSEY**

DATED: NOVEMBER 21, 2011

The Senate Law and Public Safety Committee reports favorably a Senate Committee Substitute for Senate Bill Nos. 3010 and 3014.

This committee substitute, to be designated as “Caylee’s Law,” would increase the penalties for failing to report a death and would make it a crime for failing to report a missing child.

Under current law, a person who becomes aware of a death by criminal violence or accident is required to report that death to the county medical examiner, the State Medical Examiner, or the municipal police department where the death occurred. A person who willfully neglects or refuses to report the death, or who touches, removes, or disturbs the body of the dead person, is guilty of a disorderly persons offense. A disorderly persons offense is punishable by up to six months in prison, a fine of up to \$1,000, or both. This substitute would upgrade this offense to a crime of the fourth degree. Fourth degree crimes are punishable by a term of imprisonment of up to 18 months, a fine of up to \$10,000, or both.

The substitute also makes it a crime of the fourth degree for a responsible parent, guardian, or other person with legal custody of a child to knowingly fail to report the child’s disappearance to the appropriate law enforcement agency within 24 hours of becoming aware of that child’s disappearance.

This substitute is a response to the tragic case of Caylee Anthony, a Florida child who was missing for 31 days before her disappearance was reported by her grandmother. Caylee’s mother, Casey Anthony, was found not guilty of her daughter’s murder. The substitute addresses this situation by imposing harsher penalties on anyone who fails to report a child’s death and criminalizing the failure of parents to promptly notify authorities when their child is missing.