



NEW YORK STATE SENATOR

Malcolm Smith

Governor Signs Measure Spearheaded By Senator Smith Strengthening Child Sex Abuse Crimes

MALCOLM A. SMITH August 7, 2008

New law imposes prison time for use of alcohol or drugs during child sex acts

(ALBANY, NY) – A bill (S. 1862/A. 3530), sponsored by state Senate Democratic Leader Malcolm A. Smith (D-St. Albans) and Assemblywoman Vivian Cook (D-Queens), has been signed into law by Governor David Paterson.

The measure creates a new section of law against using children in a sexual performance involving alcohol or drugs, making it a class B felony, punishable by up to 25 years in state prison.

"I want to thank Governor Paterson for signing this bill into law, which seeks to punish those who utilize controlled substances or alcohol in facilitating sexual performances by a child, the most valuable and vulnerable among us," said Senator Smith. "Controlled substances and alcohol can be used in a way that reduces or eliminates the victim's capacity for resistance."

"The victimization of children who are completely unaware and unable to realize that they are the object of such sexual conduct combined in many instances with receipt of economic profits, is a most heinous crime. The safety and protection of our children is a paramount concern among all New Yorkers. We must protect those who cannot protect themselves and this law is geared towards that result," Senator Smith said.

The measure takes effect November 1, 2008.

Two other bills sponsored by Senator Smith were signed into law this year.

A measure (S. 8407/A 564-A), also sponsored by Assemblyman Keith Wright (D-Harlem), relates to enhancing police officer recruitment and increasing diversity awareness. The measure requires the Municipal Police Training Council to develop procedures to enhance police officer recruitment efforts and to increase police awareness of racial, ethnic, religious and gender issues.

"There is always a need to strive for better relations between police officers and the members of the communities they serve," said Senator Smith. "Recent events in New York City and in other metropolitan areas make clear that such efforts should be given priority attention to prevent events which may have tragic consequences and precipitate crises within our communities."

The third measure signed into law, (S. 8289-A/ A. 11222-A), also sponsored by Assemblywoman Audrey Pheffer (D-Far Rockaway) resolves a decades-long ambiguity in the law as to homeownership on the Beach 84th Street Pier. The measure allows the City of New York to sell the Beach 84th Street Pier to the 17 homeowners living on the pier and requires City officials to make repairs to the pier.