



NEW YORK STATE SENATOR

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## Toughening the Penalty Following Russell Station Vandalism

JOSEPH E. ROBACH September 29, 2010

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By now, I am sure everyone has heard about the individual or individuals responsible for stealing copper and releasing oil from a spare transformer at Rochester Gas and Electric's Russell Station property.

It has been reported that RG&E found no evidence of oil along the Lake Ontario shoreline (either west or east of Slater Creek), and worked diligently to contain and clean up any oil in Slater Creek.

As a result of this crime and the environmental clean-up, this criminal (or criminals) left behind, I am proud to announce that I will introduce legislation that would criminalize intentional or reckless damage to the environment done in the course of committing another crime.

So often, during the commission of a crime, defendants are often so focused upon their intent that they disregard the impact of the potential additional damage that they may cause in facilitating their crime. Previously, statutes of Criminal Mischief address some instances, however when the resulting physical damage also leads to damage of the environment, these statutes do not address the environment as the “crime victim”.

This bill recognizes the criminality of large scale environmental damage, such as the result of 4,800 gallons of oil drained at this location, and the hundreds of thousands dollars in clean up costs associated. With an appropriate penalty for committing such crimes, I hope this would deter theft such as this from occurring again to prevent such significant environmental damage, whether it is done intentionally, or with unintended recklessness. For further information, click the link below.