



NEW YORK STATE SENATOR

Adriano Espaillat

Sen. Espaillat Helps Pass Legislation To Protect State's Youth

ADRIANO ESPAILLAT February 14, 2011

| ISSUE: **CRIME, YOUTH**



Senator instrumental in passing bills to heighten protections for child witnesses and children suffering from sexual abuse

(ALBANY, NY) – After much support and encouragement from Senator Adriano Espaillat (D – 31st District), the New York State Senate passed a pair of bills (S.1433 and S.1882) that focus on strengthening protections for children across the state.

“As elected officials it is our duty to ensure the rights and well-being of our most vulnerable citizens are protected,” Sen. Espaillat said. “This includes our youth, particularly those who have been through emotionally traumatic experiences. These bills we’ve passed in the Senate address two issues that have been overlooked for far too long, and I am proud that this body recognized the need to enact stronger protections for our children.”

S.1433, which passed the Senate unanimously, will allow children to testify via closed circuit television in murder and attempted murder cases. Whenever a child must testify for court proceedings it is an emotionally draining experience; and having to do so in front of not only a courtroom full of spectators, but also the defendant, can be even more damaging.

Current law allows children to testify via closed circuit television, but the law is limited to court proceedings involving only sexual abuse. Taking into account the welfare and sensitivities of a young witness, this legislation will allow children to remain unseen while testifying in cases of murder and attempted murder.

The other bill, S1882, will strengthen New York State's criminal laws that relate to adults who sexually abuse children. Under current law, a criminal charge of Sexual Abuse in the First Degree is applied when children under the age of eleven have been abused by individuals 18 and older. Meanwhile, pedophiles who sexually abuse a twelve- or thirteen-year-old victim are charged with only a Class A Misdemeanor, a penalty similar to someone who was guilty of stealing a pack of gum.

The Senate’s legislation will charge anyone guilty of abusing a child under the age of 13 with Sexual Abuse in the First Degree, a class D felony that carries significantly harsher penalties.