



NEW YORK STATE SENATOR

George D. Maziarz

Senate passes anti-crime bills

GEORGE D. MAZIARZ February 15, 2011

| ISSUE: **CRIME**

The New York State Senate yesterday passed a package of bills that would strengthen laws and toughen criminal penalties for certain sex offenses related to rape and child pornography. In addition, bills were passed to expand information on criminal background checks for individuals applying for employment in law enforcement and increasing penalties for the crime of criminally negligent homicide.

Legislation (S.1826), sponsored by Senate Majority Leader Dean Skelos (R-C, Rockville Centre), would require consecutive prison sentences for each separate act of rape when an individual is convicted of multiple counts.

The Senate also passed a bill (S.1417A), sponsored by Senator Steve Saland, (R-I-C, Poughkeepsie), Chairman of the Senate Codes Committee, that would create graduated levels of criminal charges for large scale producers and distributors of child pornography. It would permit prosecution of internet pedophiles in proportion to the scale and danger of their criminal activity.

In addition, the Senate passed a bill (S. 1423), sponsored by Senator Marty Golden (R-C-I, Brooklyn), to expand the unsealing of criminal histories for the purpose of investigating applicants for employment by police departments and other law enforcement agencies.

Under current law, law enforcement agencies are authorized to obtain records of sealed acquittals of the applicant, but not sealed convictions.

In addition, the Senate approved the following criminal justice bills:

> S.256, sponsored by **Senator George Maziarz** (R-C, Newfane,) would make the crime of surreptitious surveillance a class B misdemeanor. A person would be guilty of this crime if he or she intentionally observes another person dressing or undressing or intentionally observes such person's sexual or intimate parts without that person's knowledge or consent when that person has a reasonable expectation of privacy. Current surveillance statutes encompass the use or installation of an imaging device to surreptitiously view, broadcast or record a person.

> S.527, sponsored by Senator Charles Fuschillo (R, Merrick), establishes a person is guilty of grand larceny in the fourth degree when he or she steals property and is in possession of an anti-security item. An example would be possession of an item to remove security tags from clothing in a store.

> S.943, sponsored by Senator Carl Marcellino (R, Syosset) increases the penalty for the crime of criminally negligent homicide from a Class E to a Class D felony.

> S.487, sponsored by Senator Joe Robach (R-C-I, Rochester), would require that when a sex offender is sentenced to probation, and he/she violates that probation with another sex offense, that the sentences of incarceration imposed for the probation violation and for the new sex offense run consecutively and not concurrently.

The bills were sent to the Assembly.

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