



NEW YORK STATE SENATOR

Martin J. Golden

Senate Passes Anti-Crime Bills

MARTIN J. GOLDEN February 16, 2011

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Legislation Would Toughen Laws & Penalties for Sex Offenses

The New York State Senate today 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 crime of first-degree rape, one of horrifying sexual violence, is often repetitive either against the same victim, or against several victims,” Senator Skelos said. “Under current law, it is possible for a judge to issue concurrent sentences for multiple counts arising from separate and distinct acts of rape. It’s conceivable a rapist convicted of multiple counts could receive as little as five years in prison. This legislation would require that the sentences on each count run consecutively to ensure that no rape goes unpunished.”

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.

“While there is no doubt as to whether or not anyone who commits a crime against a child should be punished, those who engage in child pornography on a larger scale should face even stiffer penalties,” said Senator Saland. “The current statutory scheme of one-size fits-all has an often unintended consequence of leniency for sexual predators. I am pleased that this legislation will provide law enforcement with penalties that better fit the level of the crime as they work to uncover this unconscionable abuse of children.”

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.

"There is no doubt that before a police department hires an officer, they should be made aware of all previous arrest and prosecution records," Senator Golden, a former New York City Police officer, said. " I introduced this bill because it is critical that we have full background disclosure prior to allowing someone to put on a uniform and swear to serve and protect us. This legislation insures that those with criminal records will never become law enforcement officers in New York State."

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.