



NEW YORK STATE SENATOR

Jack M. Martins

Senator Martins Supports Anti-Crime Bills

JACK M. MARTINS February 18, 2011

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Senator Jack M. Martins voted in the New York State Senate today to pass 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 and supported by Senator Martins, would require consecutive prison sentences for each separate act of rape when an individual is convicted of multiple counts.

“When you think that a rapist can shatter the lives of the innocent and can be released from jail in as little as five years because sentences can run concurrently, the realization sets in that the current law makes no sense and had to be changed. Violence against women is an issue that has to be taken seriously. This common sense approach brings reality back into a surreal situation that was allowed to happen all these years,” said Senator Martins.

Senator Martins also announced that the Senate passed a bill (S.1417A), sponsored by Senator Steve Saland, 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.

“It’s a disgrace and embarrassment that the laws in New York State have literally a cookie cutter approach to a crime like that of child pornography. The fact is, we needed to increase the penalties and allow judges and prosecutors the ability to make the punishment fit the crime. Protecting our children and community is our collective goal and this approach works,” said Senator Martins.

One particular bill passed by the Senate has an every day feel to it. Senate bill S.256 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.

“A woman in a gym, health club, clothing store, bathroom and the like shouldn’t have to be looking over their shoulder to see if someone is recording or spying on them,” said Senator Martins adding, “a woman should have the peace of mind and knowledge that they can dressed and undressed in peace without a peeping tom watching them through a camera lens or video recording device.”

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

> S.256, 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, 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.487, 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.