



NEW YORK STATE SENATOR

John J. Flanagan

## Senator Flanagan's Legislation To Expand Crime Victim's Rights Passes Senate

JOHN J. FLANAGAN May 10, 2011

| ISSUE: **CRIME**

Senator John Flanagan (2nd Senate District) announced that legislation he sponsored to protect the rights of crime victims has passed the New York State Senate. The legislation would expand the State's Son of Sam laws by prohibiting all persons who are held responsible for a crime from profiting from their crimes regardless of their plea or conviction.

This legislation, which has passed the Senate a number of times, has been delivered to the Assembly for action.

If enacted into law, the legislation would close a loophole in the original Son of Sam law which was designed to prevent the Son of Sam David Berkowitz from profiting from his crime. This loophole currently allows defendants who are found or take a plea of not responsible by reason of mental disease or defect to avoid the reach of this landmark law.

The Son of Sam law was originally designed to prevent criminals from profiting from their crimes through the commercial exploitation of their stories. According to the law, any money that could potentially be earned by a criminal due to the commission of a crime would first be used to compensate their victim and others who have the right to sue under the law.

To satisfy this law, any entity that enters into a contract with someone who is accused or convicted of a crime would have to supply a copy of the contract to the Crime Victims Compensation Board. They would have to deliver any money owed according to the contract to the board for placement in an escrow account for five years.

If an interested party were to successfully sue the perpetrator, the money from the contract would be used to pay any judgment. If no victims were brought within the five year period, the Crime Victims Compensation Board would be required to provide the funds to the accused.

The success and commonsense approach of New York State's Son of Sam law has led over 40 states and the federal government to enact similar laws.

By closing this loophole, Senator Flanagan's legislation strengthens an already effective law and ensures that anyone who is found responsible for a crime throughout New York State is unable to profit from their crime.

"The idea that anyone would profit from a crime is an affront to our system of justice and is something that every crime victim and their family should be protected from. The original Son of Sam law is very effective in stopping criminals from unfairly profiting from their illegal actions but New York State can and must do better. I urge the Assembly to join with the Senate to make sure that no criminal in our state benefits from the commission of a crime," stated Senator Flanagan.

"While many of us find it despicable that there is a market for stories and other ways criminals may be able to exploit their crimes for profit, unfortunately, a market does exist," Senate Majority Leader Dean G. Skelos said. "This bill addresses an issue with the current law to ensure that criminals cannot evade the provisions put in place to protect crime victims and their families here in New York."