



NEW YORK STATE SENATOR

Dean G. Skelos

Senate Passes Bill to Close Loophole in “Son of Sam” Law

DEAN G. SKELOS May 30, 2012

Measure Prevents Criminals From Profiting From Their Crimes

The New York State Senate today passed legislation that closes a loophole in the “Son of Sam” law to further restrict a criminal’s ability to profit from their crimes. The bill (S.4393A), sponsored by Senator John Flanagan (R-C-I, East Northport), corrects a longstanding flaw in the state’s existing “Son of Sam” law by preventing all criminals, regardless of their final plea or conviction, from commercially exploiting their crime.

New York’s Son of Sam law was enacted to prevent “Son of Sam” David Berkowitz and other criminals from profiting from their crimes through the commercial exploitation of their stories. Under 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 the victim and others who have the right to sue under the law.

However, the “Son of Sam” law does not apply to those who are found or take a plea of not responsible by reason of mental disease or defect. This bill closes this loophole and prevents

those individuals from their crimes.

“Allowing someone to profit from criminal activity is something that must not be tolerated in New York State. While the original ‘Son of Sam’ law has become the standard throughout most of our nation, we need to continually examine how we can improve it to protect the rights of all crime victims throughout our state. I once again call on the Assembly to join the Senate in passing this commonsense legislation,” stated Senator Flanagan.

“The current Son of Sam law must be strengthened to fully protect the rights of crime victims and their families,” Senate Majority Leader Dean G. Skelos said. “This bill is a logical step towards preventing all criminals from capitalizing on their crimes before victims are appropriately compensated according to their legal rights.”

The Son of Sam law requires any entity that enters into a contract with someone who is accused or convicted of a crime to supply a copy of the contract to the Crime Victims Compensation Board. That entity 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 bill will be sent to the Assembly.

####