



NEW YORK STATE SENATOR

Hugh T. Farley

Senator Farley Reports Senate Passes Public Safety Legislation

HUGH T. FARLEY April 24, 2013

| ISSUE: **CRIME**



With renewed calls for vigilance and increased public safety following the tragic bombings in Boston and the foiling of a terrorist plot to attack a train traveling across the state between New York and Toronto, the New York State Senate today passed a package of anti-crime legislation including a bill that would require convicted terrorists to serve their full prison sentence, State Senator Hugh T. Farley (R, C, I - Schenectady) reported.

Full Prison Time for Terrorists

The Senate passed legislation (S4342) that would require convicted terrorists to serve their full prison sentences by making them ineligible for early release programs. In addition, the bill would also apply to individuals convicted of all homicide crimes, hate crimes, and major drug trafficking crimes.

In addition, the Senate passed the following bills to increase public safety, protect New Yorkers - particularly children - and to toughen penalties for criminals:

Committing Robbery with a Bomb

The Senate passed legislation (S1018) that would increase penalties for criminals who attempt robberies with devices appearing to be bombs or explosives. The bill would elevate the criminal charge from third degree to first or second degree robbery.

Protect Our Children Act

The Senate approved the "Protect Our Children Act" (S1721A) which would create the new crime of aggravated murder of a child with a sentence of life in prison without parole.

The bill is being passed during National Child Abuse Prevention Month, would expand an existing law of aggravated abuse of a child which makes it a crime when someone recklessly causes physical injury to a child under the age of 14.

The law currently applies only to day care providers, but this bill would expand it to also apply to parents, guardians or a person in a position of trust. The legislation identifies a person in a position of trust to mean any person who is charged with any duty or responsibility for the health, education, welfare, supervision or care of another person, either independently or through another person under 14 years of age, no matter how brief a time period it may be.

Other provisions of the bill would:

- * Create a new felony for concealing the death of a child. A death of a child is profoundly tragic, and the concealment could not only interfere with the prosecution of the one responsible for the death by loss of evidence, but could also prolong the agony of the family as they search for their loved one with misplaced hope;
- * Create a new felony for failing to notify law enforcement when the whereabouts of a young child is unknown for more than 24 hours;
- * Create new felony offenses for obstructing the location of a missing child;
- * Create a felony child endangering statute to protect children from especially cruel and sadistic conduct. Under current law, unless physical injury results, the infliction on children of sadistic, painful, dangerous punishments can typically be charged only as misdemeanors;
- * Create a statute to protect children from serious reckless abuse. To the extent existing laws address reckless conduct, they minimize the seriousness by treating it as a low-level offense or often include the requirement that the conduct be "depraved," an element that New York courts have in recent years interpreted in a way that is extremely difficult to prove; and
- * Increase penalties for repeat child abusers.

Expanding Ages for Aggravated Assault of a Child

The Senate approved legislation (S1456) that changes the maximum age of a victim of Aggravated Assault of a Child from less than 11, to less than 14.

Under existing law, a person is guilty of Aggravated Assault of a Child when the perpetrator is at least 18 years old and assaults someone less than 11 years old and has been previously convicted of the same crime within the preceding three years.

In addition to increasing the age from 11 to 14, this bill would allow for any prior assault to serve as the predicate for this crime and expands the predicate time period from three to 10 years.

Tougher Penalties for Assaulting a Police Officer

The Senate passed a bill (S4445A) that would increase the penalty for aggravated assault against a police or a peace officer to life without parole when the person convicted has two prior serious violent felonies.

Under current law, a persistent violent felony offender convicted of aggravated assault of a police officer (a class B felony) must only be sentenced to a minimum prison term between 20 and 25 years. This bill provides increased penalties for certain violent felony crimes committed against a police officer. It also states that a persistent violent felony offender convicted of aggravated assault on a police officer, would be sentenced to life without parole.

Cracking Down on Methamphetamine Production

The Senate passed a bill (S3639) that would toughen criminal penalties for the manufacturing of methamphetamines and for the possession of materials used to make methamphetamines.

The bill elevates penalties for every level of felony crime related to methamphetamine production, up to and including an A1 felony, punishable by between 15 to 25 years in prison.

According to the United States Department of Justice, methamphetamine is one of the nation's greatest drug threats. A recent department report noted that the drug is at its highest levels of availability and purity -- and lowest cost -- since 2005. That's attributed to rising Mexican imports, but also because of increased small-scale domestic production.

A 2009 report from the Rand Corporation estimated the economic cost of meth use in the United States reached nearly \$24 billion in 2005 and could go as high as \$48 billion.

Gang Recruitment on School Grounds

The Senate passed a bill (S2458) making it a felony to recruit street gang members on school grounds.

This legislation seeks to provide a safe haven for juveniles by making it more difficult for gang leaders to actively recruit and solicit children in and around schools.

The bills have been sent to the Assembly.