



NEW YORK STATE SENATOR

John A. DeFrancisco

Senate Passes Bill to Protect Victims of Violent Crime

JOHN A. DEFRANCISCO June 6, 2013

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Senator John A. DeFrancisco today, June 4, 2013, announced that his bill, S340A, restricting the ability of perpetrators of violent crimes to access the personal records of their victims, passed the Senate.

"In order to crack down on violent criminal activity, we must provide appropriate protections so that violent felons may not access the personal records of their victims without legitimate legal purpose," said Senator DeFrancisco. "This bill ensures the safety of victims of violent crimes."

The bill amends current law so that violent felons may only obtain records of their victims with a subpoena by a court in which an action against him or her is pending. Even then, only an agent is able to obtain the records on behalf of the felon.

"Recently, a convicted level 2 sex offender entered school grounds in Central New York with a duly signed subpoena requesting the records of his 13-year-old victim," said Senator DeFrancisco. "The perpetrator of a violent crime should not be able to obtain the personal records of his or her victim, particularly when the victim is a child. If the violent felon needs these records for a court proceeding, an agent should be required to obtain the records on his or her behalf."

The bill also establishes a mandatory order of protection for personal information pertaining to victims of violent crimes and mandates that a convicted felon who accesses the records of his or her victim is in violation of that protective order.

The bill has been sent to the Assembly and awaits approval from that body.