



NEW YORK STATE SENATOR

Martin J. Golden

Senate Passes Bill to Increase Punishment of Persistent Criminal Offenders

MARTIN J. GOLDEN May 6, 2014

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4th Misdemeanor = 1 Felony

The New York State Senate passed legislation (S3074) today, sponsored by Senator Martin Golden (R-C, Brooklyn), that would authorize courts to charge criminals with a felony if they are charged with a misdemeanor after three prior misdemeanor convictions. The bill would address the issue of criminal offenders who persistently commit misdemeanor crimes, including sex offenses, yet avoid more severe felony prison sentences, leaving them free to commit additional crimes.

“All too often, we learn of suspects with an extensive rap sheet of misdemeanors being sought by law enforcement, and wonder why that person is living freely within our society,” Senator Golden, a former New York City Police Officer, said. “My bill will change that and allow our court system to more adequately punish repeat offenders and keep them off our

streets."

Specifically, the bill would create the crime of aggravated criminal conduct, enabling courts to impose felony sanctions for a misdemeanor offense if the individual has at least three prior misdemeanor convictions committed over a 10-year period. However, to close a loophole in the existing law, the bill excludes any time spent incarcerated from the 10-year time frame. The Senate has previously passed this measure four times. It has not been acted on in the Assembly.

Under current law, criminals who commit multiple felonies receive stronger penalties for their repeated felony crimes, while those who commit multiple misdemeanors generally do not.

Senator Golden's bill would address concerns raised about persistent offenders such as Gilbert Welsh who was cited by the New York Daily News as having a lengthy criminal history, including 25 convictions and seven misdemeanor sex abuse charges. After serving 11 years in prison, Welsh was charged with yet another sexual abuse charge, but could not be charged with a felony because the 10-year clock was restarted after his incarceration.

The bill was sent to the Assembly.