



NEW YORK STATE SENATOR

Timothy M. Kennedy

Senator Kennedy Announces New Law to Strengthen Protections Against Dangerous Repeat Sex Offenders

TIMOTHY M. KENNEDY August 5, 2014

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Kennedy-backed Legislation, Now Signed into Law by the Governor, Closes Loophole that had Weakened Crime of Persistent Sexual Abuse.

BUFFALO, N.Y. – Senator Tim Kennedy, D-Buffalo, announced strong legislation, which he cosponsored in the Senate, to impose harsher penalties against repeat sex offenders has been signed into law. This new law closes a dangerous loophole that had weakened New York State's criminal statutes against sexual predators and toughens the crime of persistent sexual abuse.

"New York State needs strong laws that impose harsh penalties against sexual predators," said Senator Kennedy. "The crime of persistent sexual abuse was initially enacted to ensure offenders with a history of heinous criminal behavior are kept behind bars for a long time, but a dangerous loophole left it weak and, in some cases, ineffective. This new law repairs an important criminal statute, and it will provide the vulnerable with stronger protections against sexual predators with a high risk of reoffending."

The crime of persistent sexual abuse, which was originally established years ago, aims to ensure harsh penalties against sex offenders who repeat their criminal acts more than once during a ten-year period. However, prior to this new law, the criminal justice system counted

time while the offenders was incarcerated toward this 10-year window.

This substantially weakened the effectiveness of the state's persistent sexual abuse statutes, and it significantly reduced the time period under which dangerous sex offenders could be charged with and prosecuted for this harsher, aggravated crime after being released from prison.

This new law will exclude any time spent behind bars from the 10-year period, during which a repeat offender can be charged with persistent sexual abuse. **The legislation (S.612), which Senator Kennedy helped push through the Senate**, specifically states that a sex offender will be charged with persistent sexual abuse, a class E felony, when they repeat a crime of a sexual nature and their prior conviction occurred "within the previous ten year period, excluding any time during which such person was incarcerated for any reason."

"This will ensure sexual predators who commit persistent abuse receive strong penalties for their heinous crimes," Kennedy said.

"As a state and a community, we must do everything we can to help protect our most vulnerable," Kennedy added. "This new law is an important step in the right direction, but our efforts cannot stop here. Protecting the safety of our children needs to remain our state's top priority."

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Senator Timothy M. Kennedy represents the New York State Senate's 63rd District, which is comprised of the town of Cheektowaga, the city of Lackawanna and nearly all of the city of Buffalo. More information is available at <http://kennedy.nysenate.gov>.