



NEW YORK STATE SENATOR

Martin J. Golden

## SENATE PASSES BILLS TO BETTER PROTECT CHILDREN AND COMMUNITIES FROM SEXUAL PREDATORS

MARTIN J. GOLDEN March 16, 2016



The New York State Senate today passed four bills to protect children and communities from sex offenders. The measures increase penalties for sexual abuse and sexual contact with minors, require group homes to notify municipalities of the sex offender status of potential residents, and restrict child care providers from hiring employees with criminal convictions.

A bill (S6679) sponsored by Senator Michael Nozzolio (R-C, Fayette), Chair of the Codes Committee, would increase the penalty for sexual abuse in the second degree, from a class A misdemeanor to a class E felony. Under current law, a felony charge is only applicable if there is force, if the victim is incapable of giving consent, or if the victim is less than 11-years-old. Perpetrators who fondle or come into sexual contact with victims between the ages of 11 and 13 are only eligible for up to one year in prison.

Another bill (S6680) sponsored by Senator Nozzolio would increase criminal penalties for sexual contact between a minor and a “person in a position of trust” – a person who is responsible for the health, education, welfare, or supervision of a child. The bill would increase these crimes to violent felony offenses.

Senator Nozzolio said, “Sexual predators prey on the innocent and are among the most dangerous criminals because of their tendency to commit repeated acts of sexual violence. As Chairman of the Senate Codes Committee, I fought to ensure that these measures would become law to save lives, protect our children, and keep our communities safe.”

A measure (S5153) sponsored by Senator James L. Seward (R-C-I, Oneonta) would require disclosure and notification to a municipality when a proposed group home or community residence has been selected as housing for a sex offender, and to disclose the number of residents who are sex offenders.

Senator Seward said, “Public safety should not be put at risk due to legal loopholes. Clearly, neighbors deserve to know if a group home will be housing convicted sex offenders. Omitting this piece of information, either deliberately or inadvertently, is wrong and could endanger neighboring residents. My legislation is crafted after concerned citizens in the Town of Danby were caught off guard by a plan to house sex offenders at a group home, will work in tandem with the Sex Offender Registry, and ensure that communities are not kept in the dark when it comes to the whereabouts of convicted sex offenders.”

Another bill (S1472A) sponsored by Senator Martin J. Golden (R-C-I, Brooklyn) would ensure that young children are not being cared for by felons with a history of serious crimes including sexual abuse of children.

Currently, the Office of Children and Family Services (OCFS) can approve a child care license or employment application – even if the applicant has a criminal history – if OCFS thinks the approval will not jeopardize the health, safety, or welfare of the children in the center, program, or home. This legislation requires OCFS to deny the license or employment application if a background check reveals any felony convictions in New York State or any other jurisdiction for a sex offense, a crime against a child, or a crime involving violence, or if a conviction for a felony drug-related offense occurred within the past five years.

Senator Golden said, “I am proud to have sponsored this legislation approved today that closes a loophole and better protects children enrolled in day care centers throughout New York State. This change will guarantee that no one with a history of committing crimes of

sexual abuse will work in a day care setting. Parents should know that when someone is charged with the daily care of young children, their children will be safe. I ask my colleagues in the State Assembly to pass this legislation.”

The bills will be sent to the Assembly.

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