



NEW YORK STATE SENATOR

Susan Serino

## SERINO INTRODUCES 'BAILEY'S LAW' TO DETER CRIMES AGAINST VULNERABLE NEW YORKERS

SUSAN SERINO May 21, 2018

| ISSUE: **CRIME PREVENTION, PROTECTING VULNERABLE NEW YORKERS, ELDER ABUSE PREVENTION**

| COMMITTEE: **AGING**



POUGHKEEPSIE, NY— Bailey Bates, a 19-year-old autistic man from Poughkeepsie tragically committed suicide in July of 2017 after con artists took advantage of his cognitive disability to exploit him financially. Under current state law, despite evidence that the perpetrators knowingly took advantage of his vulnerability when targeting him, the accused stand only to be charged with minimal counts of endangerment and grand larceny and will not be held

accountable for the role they played in his death.

At a press conference today in Poughkeepsie, NY, Senator Sue Serino joined with Bailey's mother, Gae Marie Cannon, community leaders, and local disability advocates to announce the introduction of 'Bailey's Law'—legislation Serino put forth to ensure that such perpetrators are held accountable for their actions.

**Senator Sue Serino said,** *“As someone who has lost a loved one to suicide, I know first-hand how traumatic the experience can be. I cannot imagine trying to cope with that hurt, only to find out that heartless criminals, who sought to exploit a person's disability, played a direct role in causing that loss. We have a duty to ensure that prosecutors have the tools they need to properly hold these despicable perpetrators—and those like them—accountable. That is the goal of ‘Bailey's Law,’ and I am proud to stand alongside this ‘mom on a mission’ as we work to ensure that Bailey's legacy may help to protect other vulnerable New Yorkers.”*

**Gae Marie Cannon, Bailey's mother, said,** *“I have some sense of relief in being heard and am extremely grateful that Senator Serino recognizes this gap in the law is unacceptable and that we must do more to deter crimes against dependent citizens.”*

**Toni-Marie Ciarfella, Dutchess County Deputy Commissioner for Special Needs, said,**

*“I support Ms. Cannon for her perseverance and courage during this difficult time in her family's life – she is a true hero, advocating for people who are vulnerable and have been victimized. This bill offers officers and the criminal justice system an important tool in protecting vulnerable individuals who find themselves being influenced by those who aim to exploit their vulnerabilities.”*

**Cynthia Fiore, Executive Director of Taconic Resources for Independence, said,** *“Individuals with disabilities have the right to live their life of their choosing without being controlled, bullied, and victimized. Taconic Resources for Independence fully supports ‘Bailey's Law’ and thanks Senator Sue Serino and Bailey's mother, Gae Marie, for their efforts to promote respect, safety, and justice for these valued citizens.”*

At the press conference Bailey's mother detailed his story. She noted that a young woman whom Bailey had known for years befriended him shortly before the scheme and asked him

for help cashing a check, which ultimately resulted in the young woman and an accomplice stealing money from an account that held his disability assistance. When Bailey's family learned of the illegitimate transaction, they contacted law enforcement who began an investigation.

It was clear to Bailey's family—and to law enforcement—that Bailey did not fully understand what had happened or that he was actually the victim of a crime. He became extremely distraught, and tragically, a week after this crime, he took his own life. Sadly, based on a note that he left, it was clear that Bailey actually believed he had done something wrong in this scenario. Despite the fact that both perpetrators have reported criminal histories and an acute knowledge that Bailey was a vulnerable victim, they will not be held accountable for the direct role they played in his death under current law.

Specifically, Bailey's law (S. 8541) would hold perpetrators like these accountable by increasing penalties for endangering the welfare of a disabled person or a vulnerable elderly person when it significantly contributes to a victim's suicide attempt, as it did in Bailey's case.

Bailey's mother has been working to garner community support for the bill and has launched an online petition that currently has over 7,000 signatures. Community members who wish to add their names to the petition can do so by visiting:

<https://www.change.org/p/andrew-cuomo-bailey-s-law-now-hold-criminals-accountable-for-victimizing-the-developmentally-disabled>

As Chair of the Senate's Aging Committee, Senator Serino also noted the bill's significance to combatting the silent epidemic of elder abuse. It is estimated that seniors lose roughly \$37 billion each year to financial scams. [Financial abuse of vulnerable elderly individuals can have profound consequences, and multiple news reports have begun to detail various](#)

instances in which suicide is one such tragic result. Since being named Chair, Senator Serino has made combatting elder abuse one of her highest priorities and she believes passing this bill could play a role in helping to deter these egregious crimes as well.

*Serino addressed this point by saying, “Too often, we assume that as we get older, we get wiser—too wise to be taken advantage of. However, the reality is, scammers are incredibly cunning and persistent. Because so many seniors are unwilling or unable to speak out against the scammers, too many perpetrators are getting away without consequence. When a senior commits suicide as a direct result of being victimized in this way, there is no justice and too often the scammer simply moves on to the next victim. It isn’t right, and we’re fighting to change that and to change the culture that has allowed this behavior to continue unabated for far too long.”*

Bailey’s friends and family were present at the press conference along with representatives from:

- City of Poughkeepsie Mayor Rob Rolison
- Jody Miller, Dutchess County Commissioner for Human Rights;
- Beth Adler, Behavior Health Diversion Services Director, Dutchess County Department of Behavioral and Community Health;
- Will Truitt, Dutchess County Legislator;
- Marc Coviello, Director Dutchess County Division of Veteran Services
- Taconic Resources for Independence;
- New Horizons Resources, Inc.;
- Greystone Programs;
- Devereux Advanced Behavioral Health;
- Lexington Center for Recovery;

Senator Serino is actively seeking an Assembly sponsor for the bill.