



NEW YORK STATE SENATOR

William Larkin

Senators Unveil New Proposal To Impose Stiffer Penalties For Attacks On Elderly New Yorkers

[WILLIAM J. LARKIN JR.](#) March 12, 2007

Senator Bill Larkin (R-C, Cornwall-on-Hudson) this week announced legislation that will impose tougher penalties for physical assaults on senior citizens. The announcement follows the recent vicious attack on Rose Morat, a 101-year-old Queens woman who was mugged on her way to church. The same attacker is also suspected of beating and mugging 85-year-old Solange Elizee just a half hour later.

While the assailant in these two cases could face robbery charges, under current law he would only face a misdemeanor charge for his physical attacks on the two elderly women. In addition, under current law, the penalties for the physical attack on the 101-year-old woman are the same penalties that would exist if the victim was a 25-year-old football player.

"This coward should be seriously punished," said Senator Larkin. "We need to change the law today so that anyone who would brutalize a defenseless older citizen would go to prison for a long long time."

According to TRIAD, a nationwide senior citizens' organization, only one in fourteen cases of crimes against seniors – including rape, robbery and assault – is ever reported, giving offenders a sense that there is no penalty for such abuse.

Following the attacks which took place on March 5th, the Senate Task Force on Critical Choices began to review the current laws governing physical attacks against the elderly. This review highlighted the fact that under existing law, these types of physical attacks on seniors are only class A misdemeanor offenses. A class A misdemeanor carries a potential penalty of up to one year in prison. In both of the muggings in Queens, the attacker could also face additional charges associated with the theft of property.

The legislation announced today would make it a class D or class E violent felony to assault any senior over the age of 70. The bill will also make it a class D or class E violent felony to assault someone age 60 or older who suffers from a disease or infirmity associated with advanced age. A class D violent felony conviction carries a potential penalty of up to 7 years in prison, while a class E felony conviction carries a potential penalty of up to 4 years in prison. As violent felony offenses, these crimes carry determinate sentences and the perpetrators will not be eligible for parole.