



NEW YORK STATE SENATOR

Malcolm Smith

Senate Measure Strengthens Child Sex Abuse Crimes

MALCOLM A. SMITH May 19, 2008

Legislation creates a new law imposing prison time for use of alcohol or drugs during child sex acts

ALBANY, NY – May 20, 2008 – The second of a three bill package to combat child sex abuse sponsored by State Senate Democratic Leader Malcolm A. Smith (D – St. Albans) has passed the Senate unanimously.

The latest measure (S. 1862) creates a new section of the law against using children in a sexual performance involving alcohol or drugs, making it a class B felony, punishable by up to 25 years in state prison.

“The safety and protection of our children is a paramount concern among all New Yorkers,” said Senator Smith. “With the Internet and other high-tech communications devices infiltrating all aspects of our life, both good and bad, more needs to be done to protect the most vulnerable among us.”

Another bill sponsored by Senator Smith (S. 4390) that was unanimously passed by the Senate last week allows for the use of hearsay evidence from sexually abused minors aimed at allowing the out-of-court testimony from a child less than 12 years of age to be admissible

during a sex abuse trial.

“We must protect those who cannot protect themselves and this measure is geared towards that result,” Senator Smith said. “Children are the most precious parts of our family. We must protect children from being abused and neglected while providing a stable home environment. But when the system fails we must provide these children with a safe and secure setting that is essential to their healing, success and recovery.”

Senator Smith has been a longtime proponent of protecting children. Another measure he is sponsoring (S. 2438) is aimed at increasing penalties for crimes against children. The measure increases the penalties for the rape or sexual assault of a child under age five.

Regarding S. 2438, Smith said: “Something must be done in order to protect our youth from predators who wish them harm. Increasing the punishment offenders receive for raping children will help to deter future rapes and allow our children to grow up with a feeling of peace and safety.”

The bills must now be voted on by the Assembly.