



NEW YORK STATE SENATOR

Joseph E. Robach

## Senate Passes Bill Creating Crime of Environmental Damage

JOSEPH E. ROBACH June 17, 2011

| ISSUE: **CRIME, ENVIRONMENT**

### *-Senator Robach's Legislation in Response to Crime at RG&E's Russell Station in 2010 -*

Late last year, you might remember the theft of copper and releasing oil from a spare transformer at Rochester Gas and Electric's Russell Station property. Not only was there 4,800 gallons of oil drained at this location, but there was also hundreds of thousands of dollars in clean up costs associated. Shortly after this crime, I introduced legislation that would criminalize intentional or reckless damage to the environment done in the course of committing another crime. Late last night, the New York State Senate passed this legislation, bill S702A. You can read the summary of the bill below:

BILL NUMBER: S702A

SPONSOR: ROBACH

TITLE OF BILL:

An act to amend the penal law, in relation to creating the crime of environmental damage of property

#### PURPOSE:

This bill would criminalize intentional or reckless damage to the environment done in the course of committing another crime.

#### SUMMARY OF PROVISIONS:

The penal law is amended by adding new section 145.24, to create the new crime of environmental damage of property.

#### JUSTIFICATION:

During the commission of a crime, defendants are often so focused upon their criminal intent that they disregard the impact of the potential damage that they may cause in facilitating their crime. For example, when a defendant is intent on stealing a car radio, the smashed window

is unimportant to him or her. The statutes of Criminal Mischief address some of these instances, but when the resulting physical damage also leads to damage to the environment, these statutes do not address the environment as the "crime victim".

A recent incident in August of 2010 provides a good illustration of this problem. Defendants, in search of copper to steal and resell, broke into a spare electrical transformer. In the process accessing the copper,

4,800 gallons of oil was drained from the transformer, causing land and water contamination of the surrounding environment at an estimated remediation cost of over a million dollars. None of the current Criminal

Mischief statutes adequately address this environmental devastation.

This bill recognizes the criminality of such large scale environmental damage, and with an appropriate penalty would hopefully deter petty thefts from doing such significant environmental damage, either intentionally or recklessly.