



NEW YORK STATE SENATOR

John J. Flanagan

Senator Flanagan Works To Enhance Protections For Young Victims Of Sexual Abuse

JOHN J. FLANAGAN January 31, 2012

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Senator John Flanagan (2nd Senate District) announced today that legislation he sponsored to strengthen protections for young victims of sexual crimes has passed the New York State Senate. The legislation, which has been sent to the Assembly for action, would expand the definitions of aggravated sexual abuse to include victims less than thirteen years old when the abuser is eighteen years of age or older.

In 2000, New York State enacted the Sexual Assault Reform Act (SARA) which among its many provisions changed the way by which a defendant could be charged with the crimes of rape and sodomy in the first degree. Prior to the passage of SARA, a defendant could only be found guilty of these offenses if the crime was committed by forcible compulsion, if the victim was physically helpless, or under the age of 11 years. SARA changed the age threshold for the criminal charges of rape and sodomy from under age 11 to under age 13, thus increasing protections for 11 and 12 year olds.

It was later discovered that the crimes of aggravated sexual assault in the first, second and third degree, were excluded from the SARA statute.

Senator Flanagan's bill would help bring conformity to New York State law regarding these crimes against young children and ensure consistency so that all charges for sexual offenses against children meet the same age threshold (under age 13).

The legislation, which has passed the Senate seven times, would be in effect on November 1st, if the Assembly joins with the Senate in approving it.

"Child victims of sexual abuse suffer a lifelong and devastating impact, and stronger laws, aimed at protecting them from this heinous crime send a powerful message to sexual predators," said Laura A. Ahearn, Executive Director of Parents for Megan's Law and the Crime Victims Center. She added that, "Senator Flanagan's ongoing commitment to child protection is once again demonstrated by the passage of this legislation and urged the Assembly to join with the Senate to pass this legislation to make New York safer for our children."

"While sexual abuse against any resident of our state is unacceptable, it is vital we continue to strengthen our laws to protect our youngest and most vulnerable citizens. Those under the age of thirteen and their parents need to know that their state is working to make the common-sense changes that are needed and this change is long overdue. I urge the Assembly to pass this law this year because that is what our communities deserve," stated Senator Flanagan.