



NEW YORK STATE SENATOR

Charles J. Fuschillo Jr.

Senate Passes Fuschillo Legislation to Prevent Criminals From Escaping Justice Through Legal Name Changes

CHARLES J. FUSCHILLO JR. May 1, 2012

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Senator Charles J. Fuschillo, Jr. (R-Merrick) announced that the New York State Senate has passed legislation he sponsors to prevent criminals from changing their name to avoid the justice system or their legal obligations.

“Convicted criminals shouldn’t be able to avoid the legal system and hide their criminal histories through a name change. Unfortunately, current law makes it far too easy for them to do that. Stronger safeguards are needed to prevent criminals from using legal name changes to run from the law,” said Senator Fuschillo.

Courts across the state receive change of name petitions each day. However, because of the routine nature of these applications, many courts approve them without thoroughly verifying the applicant’s information.

The lack of appropriate verification gives criminals an opportunity to use these petitions in order to escape their legal obligations or hide their criminal histories. A legal name change creates an additional step for law enforcement, who must put together a paper trail in order to discover their true identities. Criminals can take advantage of this delay and often escape detection in ordinary verification circumstances such as traffic stops.

Senator Fuschillo's legislation (S528A) would require all convicted violent felons and sex offenders to report their convictions on their name change petitions, as well as inform the prosecuting DA and the sentencing court of their intention to change their name. Currently, these requirements apply only to violent felons or sex offenders who are incarcerated, on probation, or on parole.

The legislation would also direct the state's Office of Court Administration to create new procedures which ensure that reasonable steps are taken to verify information provided on name change petitions so that criminals cannot change their name as a way to avoid detection.

The legislation has been sent to the Assembly for consideration.