



NEW YORK STATE SENATOR

Joseph E. Robach

Senate Passes Sex Abuse Prevention Bills

JOSEPH E. ROBACH May 2, 2012

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Measures Increase Penalties, Enhance Community Notification and Protection

The New York State Senate today passed a package of eight bills to prevent sexual predators from obtaining access to potential victims and help law enforcement and communities keep track of their whereabouts. The bills will help increase the amount of information available about convicted sex offenders and seeks to prevent them from obtaining access to vulnerable individuals.

“When sexual predators are released from prison, we need to make sure laws are in place to keep our children and communities safe,” Senate Majority Leader Dean G. Skelos said. “This package of bills would address recidivism by increasing penalties for crimes and improves public awareness by enhancing the information collected and disseminated about sex offenders.”

Legislation sponsored by Senator Joseph Robach (R-C-I, Rochester) helps increase public awareness of sexual offenders who prey on children by changing the reporting requirements under New York State's Sexual Offender Registration Act (SORA). The bill (S.356) would designate anyone convicted of committing or attempting to commit sex offenses against children aged ten years or less a Level 3 offender. Including the criminals who commit these offenses in the Level 3 category would require their information to be included in the releasable information available through the state's sex offender registry.

Another bill (S.487) sponsored by Senator Robach would help address the high recidivism rates among convicted sex offenders. The measure requires a change to current law which allows sex offenders who violate probation by committing another sex offense to serve the sentence imposed for the probation violation concurrently. This bill would require sentencing for the new offense to run consecutively, not concurrently, thereby ensuring that repeat sex offenders receive the maximum amount of time in jail and off the streets.

Senator Robach said, "These legislative initiatives would help parents to better track individuals who decide to prey on young, innocent children. Additional awareness will further help reduce these types of heinous violations of our young. Lastly, crime victims have been calling, for a long time, to see longer sentences for these violators who prey on our children, and will now get that result."

Legislation sponsored by Senator Charles J. Fuschillo Jr. (R, Merrick) builds upon existing law that prevents sex offenders from gaining access to commit new crimes. The bill (S.597A)

prohibits sex offenders from obtaining licenses and certification to become real estate appraisers. Similar to the current law that prohibits sex offenders from being licensed real estate brokers or salesmen, the bill would prevent a scenario where convicted offenders would be in a position to be alone in an empty house or building with someone vulnerable to attack. Another bill (S.528A) prevents violent felons or sex offenders from being able to legally change their names in order to avoid their legal obligations or hide their criminal history. They would be required to disclose convictions for the purpose of a name change petition even after the period of incarceration, parole or probation ends. The criminal would also be required to notify the court officials that prosecuted and sentenced them.

Senator Fuschillo said, “Current law makes it far too easy for sex offenders and other criminals to hide their criminal histories by changing their names. It also allows them to serve as real estate appraisers, putting families in the position of unknowingly letting a convicted sex offender into their home and giving them access to every room in the house. Stronger safeguards are needed to prevent offenders from hiding their offenses and gaining entry into families' homes. That's exactly what this legislation would do.”

Other bills approved today dealt with additional restrictions and penalties for sex offenders who do not follow requirements for the Sex Offender Registry Act. They include:

- Bill S.1544 sponsored by Senator Skelos: makes it a class D felony, punishable by up to 7 years in prison, for sex offenders who fail to register according to SORA, or those who fail to follow the current prohibition against working on an ice cream truck.

- Bill S.1542 sponsored by Senator Skelos: makes it a felony for certain sex offenders who fail to register or report a change of address;
- Bill S.512A sponsored by Senator George Maziarz (R-C, Newfane): makes the same identifying information pertaining to Level 2 sex offenders that is available to the general public through the state's sex offender registry website available to law enforcement for dissemination/community notification purposes; and
- Bill S.1522 sponsored by Senator Jeffrey D. Klein (D-Bronx/Westchester): requires sex offenders to disclose whether their residence is within ½ mile to an elementary or secondary school.

The bills will be sent to the Assembly.

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