



NEW YORK STATE SENATOR

Jack M. Martins

Senate Passes Sex Abuse Prevention Bills

JACK M. MARTINS May 2, 2012

| ISSUE: **CRIME**

Measures Increase Penalties, Enhance Community Notification and Protection

The New York State Senate 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.

“These measures will help enhance the safety of our communities by increasing penalties for crimes and by allowing communities to better track the location of sex offenders. It is imperative we continue to seek ways to protect our communities from these sexual predators,” said Senator Jack M. Martins, who supported the bills in the Senate.

Legislation passed by the Senate 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) 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.

Legislation passed by the Senate also 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.

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: 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: makes it a felony for certain sex offenders who fail to register or report a change of address;
- Bill S.512A: 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: 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.