



NEW YORK STATE SENATOR

John J. Flanagan

Senator Flanagan Fights To Close Loophole In “Son Of Sam” Law

JOHN J. FLANAGAN May 30, 2012

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Today, Senator John Flanagan (2nd Senate District) announced that the New York State Senate has passed his legislation to correct a longstanding flaw in the State’s existing “Son of Sam” law. The legislation would extend the reach of the current law to prevent all criminals, regardless of their final plea or conviction, from profiting from their crimes.

The legislation, which has passed the Senate five times before, has again been delivered to the Assembly for action.

The “Son of Sam” law was enacted by New York State to prevent “Son of Sam” David Berkowitz and other criminals from profiting from their crimes through the commercial exploitation of their stories. Under the law, any money that could potentially be earned by a criminal due to the commission of a crime would first be used to compensate the victim and others who have the right to sue under the law.

However, the “Son of Sam” law does not apply to those who are found or take a plea of not responsible by reason of mental disease or defect. Senator Flanagan’s legislation closes this loophole and prevents those individuals from profiting from their crimes.

The “Son of Sam” law requires any entity that enters into a contract with someone who is accused or convicted of a crime to supply a copy of the contract to the Crime Victims Compensation Board. That entity would have to deliver any money owed according to the contract to the board for placement in an escrow account for five years.

If an interested party were to successfully sue the perpetrator, the money from the contract would be used to pay any judgment. If no victims were brought within the five year period, the Crime Victims Compensation Board would be required to provide the funds to the accused.

The success and commonsense approach of New York State's “Son of Sam” law has led over 40 states and the federal government to enact similar laws.

By closing the current loophole, Senator Flanagan’s legislation would strengthen an already effective law and ensure that anyone who is found responsible for a crime throughout New York State is unable to profit from their crime.

"Allowing someone to profit from criminal activity is something that must not be tolerated in New York State. While the original ‘Son of Sam’ law has become the standard throughout most of our nation, we need to continually examine how we can improve it to protect the rights of all crime victims throughout our state. I once again call on the Assembly to join the Senate in passing this commonsense legislation,” stated Senator Flanagan.