



NEW YORK STATE SENATOR

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## Senate Passes Bill to Close Loophole in “Son of Sam” Law

STEPHEN M. SALAND May 30, 2012

| ISSUE: **CRIME**

### *Measure Prevents Criminals From Profiting From Their Crimes*

The New York State Senate today passed legislation that closes a loophole in the “Son of Sam” law to further restrict a criminal’s ability to profit from their crimes. The bill (S.4393A) corrects a longstanding flaw in the state’s existing “Son of Sam” law by preventing all criminals, regardless of their final plea or conviction, from commercially exploiting their crime.

New York’s Son of Sam law was enacted 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. This bill closes this loophole and prevents those individuals 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 bill will be sent to the Assembly.

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