



NEW YORK STATE SENATOR

James L. Seward

"Alice's Law" Is #4 On Anti-Crime Hit List

JAMES L. SEWARD June 12, 2012

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ALBANY, 06/12/12 - State Senator James L. Seward (R/C/I-Oneonta) today announced that anti-insurance fraud legislation he sponsors, known as "Alice's Law", is number four on a list of tough anti-crime bills that the assembly needs to adopt before the end of the legislative session. Senate bill 1685, along with the other nine anti-crime measures have already passed the state senate.

"Protecting the public and providing police and district attorneys with the tools they need to put criminals behind bars are responsibilities I take seriously," said Senator Seward. "Already this session we have expanded the DNA databank helping identify more criminals and approved I-STOP legislation that will crack down on prescription drug abusers. If the state assembly would act on these additional anti-crime bills New York would have safer neighborhoods and more criminals would be off the streets and out of business."

"From banning dangerous drugs to preventing drunk driving, from stopping child pornography to cracking down on auto insurance fraud, the senate has passed many important bills that would prevent crime and punish criminals," Senator Majority Leader Dean G. Skelos said. "Unfortunately, these bills have languished, some of them for years, in the assembly. All of them should be voted on before we conclude the 2012 session."

While each of the bills on the list has a sponsor in the assembly, and members of the assembly have talked about the critical need to pass legislation to address these public safety issues, the assembly has either failed to act or has passed weaker versions of these bills.

Assemblyman Joseph Lentol, the sponsor of the child pornography bill, said he expected the assembly to approve it. However, the bill is still in the Assembly Codes Committee, one month after being passed by the senate.

Instead of acting on the senate's tough two-house bill to make the sale or possession of synthetic marijuana a felony penalized by up to 25 years in prison, the assembly passed a weaker, one-house bill that would make the possession of synthetic marijuana a misdemeanor.

The assembly sponsor of one of the senate's auto insurance fraud bills has repeatedly called on his house to act, but there has still been no vote.

TOP 10 ANTI-CRIME BILLS THAT SHOULD BE VOTED ON IN THE ASSEMBLY

1) Make viewing child pornography a felony (S7407), sponsored by Senator Golden/ A10161 Assemblyman Lentol.

“The Senate approved legislation to enable more appropriate prosecution of individuals who view child pornography here in New York State,” said Senator Golden. “Federal regulations are already in place, and now we are one step closer to having New York adopt these same policies. Viewing child pornography is a crime and New York should treat it as such.”

2) Create penalties for the sale or possession of synthetic marijuana and bath salts (S6694), sponsored by Senator John Flanagan (R-C-I, East Northport)/ A9781A Assemblyman Cusick.

“These ‘legal’ drugs clearly have the potential to do harm to our residents, and serve as gateways to further and more devastating drug use,” stated Senator Flanagan. “While banning their sale, as Governor Cuomo has done, is a good first step, we need to take additional action to get these substances completely out of our communities and out of the reach of our young people. Drug abuse is a pervasive problem impacting a growing number of families across our state. We owe it to the children of our state and their parents to make sure that we get this legislation enacted this year.”

3) Strengthen Leandra’s Law to ensure that convicted drunk drivers use ignition interlocks (S6636), sponsored by Senator Charles J. Fuschillo, Jr. (R-Merrick)/ A9544 Assemblyman Weisenberg.

“Ignition interlocks prevent drunk drivers from getting behind the wheel and have saved an untold number of lives,” said Senator Fuschillo. “That’s why we included them under Leandra’s Law. However, nearly 70 percent of the drunk drivers ordered to use interlocks are not doing so; that needs to change. Strengthening Leandra’s Law would ensure that

convicted DWI offenders receive alcohol monitoring to ensure that they do not drive drunk again. I applaud the Senate for passing this legislation and urge the Assembly to approve it as well.”

4) “Alice’s Law” to create a new felony crime for staging a motor vehicle accident to commit auto insurance fraud (S1685) sponsored by Senator James L. Seward (R-C-I, Oneonta)/ A6177 Assemblyman Weprin. The bill is named after Alice Ross, a 71-year-old wife and grandmother who was killed in a fraud-related, staged auto accident in Queens nine years ago.

“Comprehensive no-fault reform is desperately needed to reduce auto insurance costs, put law-breakers behind bars and protect innocent victims,” Senator Seward (R,C,I- Oneonta) said. **“The senate has recognized the need for change for some time and the Governor’s administration is also taking action to crack down on this escalating scourge. The assembly needs to join the effort so we can put these criminal enterprises out of business for good.”**

Assemblyman David Weprin, the assembly sponsor of “Alice’s Law,” has urged the assembly to pass this bill, but it has languished in committee.

5) Create more stringent criminal penalties to prosecute Internet pedophiles in proportion to the scale and danger of their criminal activity -- the more images, the stronger the penalty (S1417B), sponsored by Senator Saland/ A281A, Assemblywoman Paulin.

“New technologies enable the storage of massive collections of child pornography, resulting in more organized and sophisticated trade or profit-based distribution rings,” Senator Saland said. “We must change the law to establish graded child pornography offenses to put New York’s law on par with federal law and to help law enforcement apprehend and prosecute criminals who traffic in large-scale collections of child pornography.”

6) Make it a felony to display a firearm in the commission of all felonies, rather than just certain felonies (S1407B), sponsored by Senator Golden/ A5904-B, Assemblyman Kavanagh.

“As a former New York City police officer, I have seen first-hand the fear and devastation caused by criminals with guns,” Senator Golden said. “People who use force to terrorize and prey upon others must be punished to the fullest extent of the law. We must make our laws strong enough to make use of a firearm in the commission of a crime unthinkable.”

7) “Michelle and Jordan’s Law” to increase penalties for unlawful high-speed car racing, which has caused numerous accidents across the state, including the deaths of a 17-year-old Staten Island girl and a 5-year-old Queens boy (S2938A), sponsored by Senator Andrew Lanza (R-I, Staten Island)/ A5276A, Assemblyman Titone.

“Cars which are driven by reckless or inexperienced drivers all too often become deadly weapons,” said Senator Lanza. “Sadly, statistics prove that too many young drivers lose their lives on our roads every year. This bill will protect and save the lives of our young drivers, their friends and the innocent bystanders who are often harmed or even killed by unlawful high-speed car racing.”

8) Allow insurance companies to retroactively cancel policies taken out by people who commit auto insurance fraud (S4507B), sponsored by Senator Golden/ A6346A, Assemblyman Heastie.

Senator Golden said, “Insurance fraud is costing every driver in New York. We owe it to all consumers to put the brakes on this fraud now. We must make laws that prove New York is serious about cracking down on auto insurance fraud and that we can no longer tolerate this because of the many damaging effects it is having on our economy, our court system, and our families.”

9) Create the crime of criminal sale of a controlled substance to a child in the first degree. This bill would crack down on drug sales to children by making the sale of a controlled

substance by an adult to a minor under the age of 14 a felony punishable by up to 10 years in prison. (S3210B) Senator Jack Martins (R-C-I, Mineola)/A3032C Assemblyman Lavine.

“We need a comprehensive approach to combat drug abuse. We passed the I-STOP legislation to help close the door on the abuse on prescription drugs. This legislation would penalize more severely anyone who would sell a controlled substance to minors under the age of 14. It’s important that we protect minors and keep them from the harm dangerous drugs cause. I urge the Assembly to pass this important piece of legislation.”

10) Make it a crime for school employees to engage in sexual activity with students, including those who are older than New York’s legal age of consent. Violations would be a class E felony and carry a sentence of up to 4 years in prison. Twenty states have approved similar legislation. (S6714) Sponsored by Senator Betty Little (R-C-I, Queensbury)/A470 Assemblywoman Gunther.

“We have laws prohibiting sexual relationships between doctors and patients and harassment laws to ensure that workers are not subject to sexual advances from their bosses,” said Senator Betty Little. “Although a student may be legally old enough to consent to sex with a school employee, it doesn’t make it right. Students ought to have the same level of protection as other categories of people to ensure they aren’t manipulated by those in positions of power and trust.”