



NEW YORK STATE SENATOR

Lee M. Zeldin

Senate Passes Zeldin Bill to Punish Public Lewdness

LEE M. ZELDIN April 16, 2013

Advocating for children, women and all law abiding citizens, Senator Lee M. Zeldin (R-C-I, Shirley) today announced that the State Senate has passed legislation (S.3805) he sponsored to increase the penalties for public lewdness.

The bill creates the new crimes of Public Lewdness in the first degree, second degree and third degree and increases the penalties for anyone who repeatedly commits lewd acts in public or who targets children.

“Surprisingly, current law contains just a single crime of Public Lewdness which is only a class B misdemeanor, and provides no extra penalties if the act is committed against a child,” said Senator Zeldin. “Women and children are the most common victims of Public Lewdness and sexual aggression. Law enforcement officials tell us that many perpetrators of public lewdness have a long history of such acts and other sex crimes. We need to change the perception of Public Lewdness which has long been viewed as only a nuisance crime. Yet, we know that in many cases, these perpetrators go on to commit even more serious sex offenses. According to studies, these types of offenders have the highest rate of recidivism compared to any other sex offender. This legislation significantly increases the penalties for these vile acts and aims to stop these offenders before they can do more serious harm.”

One study Zeldin references indicates that 24% of exhibitionists reoffend, and 10% graduate to contact sexual offenses, such as sexual touching or sexual assault.

Senate bill 3805 does the following:

- * Designates the lowest level of public lewdness as Public Lewdness in the third degree.
- * Establishes a new Class A misdemeanor of public lewdness in the second degree.
- * Creates the new crime of Public Lewdness in the first degree—a Class E felony for anyone committing public lewdness in the second degree who has previously been convicted of such crime within the preceding 10 years or who commits public lewdness at a time or in place where a child less than 14-years-old is likely to be present.
- * Provides for a permanent disqualification from being a school bus driver upon conviction of public lewdness in the first or second degree.
- * Designates public lewdness in the first degree as a sex offense requiring registration on the state's sex offender registry.

"Parents for Megan's Law, the Crime Victims Center in Stony Brook, NY and the Suffolk County Police recognize that the recidivism rate of public lewdness offenses show a link to more serious sex offenses," said Senator Zeldin. "In one recent case on Long Island, the perpetrator committed an obscene act in a popular children's restaurant while standing next to two 12-year-old girls. This offender had ten prior public lewdness offense arrests which he had committed in public libraries, retail chain stores, on a beach, and in the children's section of a well known retail book store where he was captured on videotape. Furthermore, in Nassau and Suffolk Counties combined, the offender had five public lewdness convictions, four for endangering the welfare of a child and one for stalking. Sadly, this statistic is not

uncommon among these sexual deviants and demonstrates that individuals who have been convicted of public lewdness need more severe penalties especially if they commit the same act again and again or expose children to their obscene conduct. This bill remedies the far too lenient treatment of public lewdness offenders in the law.”