



NEW YORK STATE SENATOR

Catharine Young

New York State Senate Passes Rape Victims Equality Act

CATHARINE YOUNG April 29, 2013

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Bill is backed by victims advocacy groups and the State DA's Association

ALBANY – In a vote that protects victims and gives prosecutors the tools they need to convict violent sexual predators, the New York State Senate today passed the Rape Victims Equality Act (S.3710-C), which is sponsored by Senator Catharine Young (R,C,I-Olean). The bipartisan bill passed with overwhelming support.

Senator Young's bill has received public support from both the District Attorneys Association of the State of New York and the Downstate Coalition for Crime Victims. The bill is based on the case of Lydia Cuomo, a young school teacher who was raped at gunpoint by an off duty New York City Police Officer in 2011. Michael Pena was charged with rape, but initially the jury could not reach a verdict on the rape charge because three jurors contended that penetration could not be proven. Pena later pled guilty to raping Ms. Cuomo. He also was convicted on several counts of violent sexual assault and using a gun in a crime.

"This bill ensures that our state has the most effective and comprehensive statute in the country to prosecute violent sexual assault crimes. We need to bring criminals to justice with the strongest penalties possible. This bill makes important changes to the law that help victims and give prosecutors the tools that they need to keep convicted sexual offenders

behind bars,” said Senator Young.

Currently, prosecutors must prove vaginal penetration for rape convictions. Senator Young’s bill would change the rape definition from penetration to contact, loosening the statute so it is more effective. Prosecutors contend that not only would this reform help women, but also child rape victims.

The legislation also renames the criminal sexual acts of anal and oral sexual assault as “anal rape” and “oral rape,” with the same standards and penalties that currently exist under state law. This change better reflects the heinous nature of these crimes.

Instead of merging rape crimes and criminal sexual acts into one statute that could preclude consecutive sentences, the new offenses make it possible for jurors to continue to convict on several counts and for the corresponding sentences to be applied consecutively. A proposal currently in the Assembly could have the unintended consequences of jeopardizing consecutive sentencing for sexual offenders because multiple acts could be considered part of one continuous act of sexual assault, due to a previous Court of Appeals decision. Senator Young’s bill remedies this problem.

"Input from both the district attorneys and victims advocacy groups has been invaluable in producing this bill. Their expertise has helped to guide us toward the best possible solution. I am hopeful that we can come to an agreement with the Assembly so these important changes become law. We owe it to every victim of sexual assault to strengthen our laws to keep these predators off our streets and out of our neighborhoods,” said Senator Young.