



NEW YORK STATE SENATOR

Ted O'Brien

O'Brien, Morelle call for first-degree murder charges for those who deliberately target prosecutors

TED O'BRIEN May 16, 2013

| ISSUE: **CRIME, LOCAL GOVERNMENT, VICTIMS, COURTS, CRIMINAL**



ROCHESTER, N.Y. -- State Senator Ted O'Brien and Assembly Majority Leader Joseph D. Morelle today announced they are jointly sponsoring a bill that defines the deliberate slaying of a public prosecutor while on duty as first-degree murder.

Under current state law, the premeditated murder of a prosecutor does not automatically carry a first-degree charge, but after the recent killing of two district attorneys in Kaufman County, Texas, that needs to change, O'Brien and Morelle said.

"Nothing is more important to the safety of our communities than the rule of law, and nothing undermines the rule of law more than attacks on those who serve us at every level of the justice system," O'Brien said. "We have first-degree penalties for those who target police officers, judges and prison personnel, and very rightly so. The heinous crime that occurred in Texas reminds us of the risks also faced by prosecutors each and every day, and I believe on their behalf we must give them the added protection this bill provides."

"Anyone who deliberately sets out to murder a public prosecutor must face the highest charge and most severe penalty available to us," Morelle said. "Together with police and those on the bench, they are the bulwark of justice and safety for law-abiding citizens, and in turn their safety must be a paramount concern for all of us. This legislation establishes without a doubt that no attempt to harm innocent men and women who are working on our behalf and in the cause of justice will be tolerated."

"As the tragic events in Northern Texas recently demonstrated, prosecutors are not immune to the dangers inherent to working in law enforcement," said Monroe County District Attorney Sandra Doorley. "Each day, hundreds of DA's and Assistant District Attorneys across New York State face the threat of retaliation while seeking justice for the community—threats that in some cases lead to violence. This common sense change to our law recognizes the critical role that prosecutors play in the criminal justice system, and I thank Assemblyman Morelle and Senator O'Brien for their commitment to keeping prosecutors across New York State safe."

In a letter of support to state legislative leadership, District Attorneys Association of the State of New York President Cyrus Vance wrote that prosecutors “are, without question, subject to threats and incidents of violence” and that “[a] strong and clear message must be sent that prosecutors, like judges and police officers, are an integral part of our justice system and any attempt to cause harm or otherwise thwart the administration of justice will be addressed with enhanced penalties.”

The killings in Texas took place against a backdrop in which threats against court officers are generally on the rise. For instance, the number of threats cataloged against federal prosecutors and judges in 2003 was 592; in 2012, that figure had more than doubled to 1,370.

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Sen. O'Brien represents the 55th district in the Senate, which is made up of the eastern half of Monroe County and the western half of Ontario County, including much of the city of Rochester.

Assembly Majority Leader Morelle represents the 136th district in the Assembly, which includes parts of the city of Rochester, Irondequoit and Brighton.