



NEW YORK STATE SENATOR

Dean G. Skelos

Senate Passes Legislation to Protect Children From Sex Crimes

DEAN G. SKELOS May 22, 2013

The New York State Senate today passed legislation (S4791), sponsored by Senate Majority Coalition Leader Dean G. Skelos, that would increase criminal penalties for sexual contact between a child and a person in a position of trust.

“It’s not possible for parents to be with their children every moment of the day, at some point they must be supervised by other adults, whether it’s day care, school, athletics or other group activities,” Senator Skelos said. “These adults are responsible for the children and they should be held to a strict standard of conduct. If they violate that trust, the adults should be punished to the fullest extent of the law.”

The bill would create the new crimes of sexual assault against a child by a person in a position of trust in the first, second, and third degrees, punishable by up to 15 years in prison. There are prohibitions in law against sexual contact with a minor, however the law does not increase penalties if the crime is committed by a person in a position of trust.

The law defines someone as a person in a position of trust when any person is charged with any duty or responsibility for the health, education, welfare or supervision of a child, either independently or through another person.

“When parents entrust their children into the care of another adult, the parents should be able to have a sense of security that their child will not be subject to any sexual contact while under that other adult's supervision,” Senator Skelos said. “This bill would help ensure their safety and punish people who violate that trust.”

The Senate also passed legislation (S2017), sponsored by Senator Skelos, that would allow law enforcement agencies to disseminate to the public, information regarding Level 1 sex offenders. Currently, law enforcement can provide information about Level 2 and 3 sex offenders, but not Level 1 offenders.

The bill also authorizes members of the public to provide an email address to the state Division of Criminal Justice Services so they can receive an email notification if a sex offender moves into their same zip code.

The Senate also passed legislation (S4113), sponsored by Senator Martin Golden (R-C, Brooklyn), that would prohibit criminals convicted of certain crimes from applying or participating in a home or center based child day care program.

Currently, felons can work in or volunteer at a day care program if the State Office of Children and Family Services – after conducting a criminal background check for convictions of certain crimes -- feels that the individual's criminal background does not jeopardize the health and safety of the children.

“There are more than 27,000 children in day care in New York State and we have to ensure that they are being cared for in a safe environment,” Senator Golden said. “However, a loophole exists that would allow people with histories of crimes such as the sexual abuse of children, to work in a day care setting. When someone is charged with the daily care of young children, we should not be taking chances and potentially placing them at risk. This

bill would help protect kids from potentially dangerous individuals.”

This bill expands the list of offenses, resulting in a felony conviction, to include: assault, homicide, strangulation, sex, kidnapping, obscenity and sexual performance by a child. The bill also removes the Office of Children and Family Services’ existing discretion to permit criminals to participate in day care programs.

The bills were sent to the Assembly.

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