



NEW YORK STATE SENATOR

Andrew J. Lanza

Governor Cuomo Signs Lanza's Legislation to Crack Down on Public Lewdness

ANDREW J LANZA July 24, 2014

NEW LAWS WILL ALSO PROTECT NEW YORKERS FROM DOMESTIC VIOLENCE & STALKING

Governor Andrew M. Cuomo today signed a series of bills that strengthen existing laws and add new measures to protect New Yorkers from domestic violence, stalking, and public lewdness.

“Protecting New Yorkers from domestic violence – whether its harassment, stalking, or indecent exposure – is a priority for our administration, and strengthening these state laws will help keep our citizens safe,” Governor Cuomo said. “I am proud to sign these bills into law today, and I thank their legislative sponsors for their hard work on each of these issues.”

Public Lewdness

The Governor today signed a bill that establishes Public Lewdness in the First Degree, a class A misdemeanor. This new misdemeanor applies to individuals aged 19 or older who intentionally expose themselves to children under the age of 16, and is punishable by up to one year in county jail.

Senator Andrew J. Lanza said, “Surprisingly, Public Lewdness was only a class B misdemeanor, and provided no additional penalties when the act was committed against a child or when the individual was repeatedly arrested on the charges. Perpetrators of public lewdness often have a long history of such acts and other sex crimes, and in many cases go on to commit even more serious sex offenses. This law increases the penalties for these vile acts and aims to stop these offenders before they can do more serious harm.”

Assemblywoman Patricia Fahy said, "Indecent exposure or public lewdness - especially on repeated occasions or in the presence of children – is an unacceptable act that requires a tougher criminal response, and that is exactly what this bill provides. This is an issue that is important to me not just as a legislator and a New Yorker, but as a mother, and I am proud that Governor Cuomo is standing with us and signing this bill into law today. It is my hope that this new law will serve as a deterrent for the re-occurrence of this kind of depravity, and I am confident that it will ultimately help protect New Yorkers and lead to safer communities across the state."

Aggravated Harassment

Aggravated harassment is a serious crime that impacts people in communities across the state, and an alleged violation of this law is an important tool for domestic violence victims who pursue a court-issued order of protection.

In the recent case of People v. Golb, however, the New York State Court of Appeals struck down part of the State's laws against aggravated harassment. The program bill being signed today by the Governor addresses the constitutional issue raised by the Court in that case, thereby reviving this law. This bill takes effect immediately.

Senator Mike Nozzolio said, "We are a State and Nation of laws and we must make it clear that individuals who threaten and intimidate others will pay a price for their actions. This measure addresses a serious hole in the penal law and will provide an important tool in domestic violence prosecutions. I thank Governor Cuomo for his leadership on this issue to enact legislation that protects the safety of our citizens."

Assemblywoman Helene Weinstein, Chair of the Assembly Judiciary Committee, said, "Harassment is a crime that should never go unpunished, and the bill that Governor Cuomo is signing today is an important step toward reaching that goal. Reviving the State's laws for Aggravated Harassment in the Second Degree is an important way to ensure that those who do harass another individual will be dealt with to the fullest extent of the law, and I am proud to have played a role in making this legislation a reality. I am hopeful that this will lead not only to more effective punishments for individuals who commit harassment, but also for great protections for their victims."

GPS Devices & Stalking

The last bill signed by the Governor addresses important public safety concerns regarding the use of GPS devices and stalking, which are also significant issues in the area of domestic violence. This bill expands the crime of stalking to include the unauthorized use of a GPS or other electronic device to track another individual. This legislation is also

known as “Jackie’s Law,” in memory of Jackie Wisniewski of West Seneca, who was killed after being stalked by a former boyfriend utilizing a GPS tracking device on her car.

Senator Tim Kennedy said, “Jackie Wisniewski’s tragic death caused deep sadness and pain for her family, yet they courageously stepped forward to fight for new laws to prevent domestic violence. Our state owes the Wisniewski family a debt of gratitude. It is with heavy hearts that we mark the signing of this important legislation, as we reflect on the tragedies that have prompted it. In a surging number of cases, stalkers are using GPS technology to track their victims, instill fear and destroy their lives. It happened to Jackie and to so many others, but there was nothing in state law to prevent it, until today. With the Governor’s signature, New York State finally closes a dangerous loophole in the law and can now crack down on GPS stalking. Thank you to Governor Cuomo for signing this bill and always standing up to protect New Yorkers in need. If this law helps save one victim like Jackie, and spares one family, like the Wisniewski’s, the unimaginable pain they’ve suffered, Jackie’s legacy will continue to live on.”

Assemblywoman Crystal Peoples-Stokes said, "The loss of a loved one is a long process for a family to endure. Jackie Wisniewski was a daughter, mother, and loving aunt. Her tragedy identifies the need to bring more attention to domestic violence. Jackie’s killer was able to install a GPS tracking device in her car, this should have been illegal; I applaud Governor Cuomo for signing this into law to prevent this situation from occurring again. I also applaud and thank the Wisniewski family for their steadfast support and advocacy towards honoring Jackie's memory by having this law to watch over domestic violence victims in the future."

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