



NEW YORK STATE SENATOR

Joseph A. Griffo

Griffo, Picente, McNamara, Carpinelli and law enforcement professionals advocate for ‘Victims’ Justice Agenda’

JOSEPH A. GRIFFO May 2, 2019



UTICA – New York State Senate Deputy Minority Leader Joseph Griffo, R-I-C-Rome, Oneida County Executive Anthony J. Picente Jr., Oneida County District Attorney Scott McNamara, Oneida County Undersheriff Joseph Lisi, Lewis County Sheriff Michael Carpinelli and area law enforcement and legal professionals advocated today for the “Victims’ Justice Agenda” that was unveiled by Deputy Minority Leader Griffo and Senate Republicans earlier this week.

This comprehensive package of legislation aims to reform the parole system to keep violent criminals behind bars without parole, while also easing the parole process for suffering victims, families and the public. It also will help tip the scales of justice back toward law-abiding citizens and the victims of crimes not the perpetrators.

Legislation making up this agenda includes:

S1995 - Provides that the sentence for murder in the first degree shall be life imprisonment without parole.

S357 - Authorizes imposition of life imprisonment without parole sentence for persistent violent felony offenders upon conviction of a violent felony offense when such person has previously been subjected to two or more predicate violent felony convictions.

S1410 - Requires that all comments and testimony made by a third party either in support or opposition in a parole hearing shall be considered when coming to a decision; adds provisions relating to confidentiality of victim statements.

S4127 - Requires that all victim impact statements in New York State be video recorded; requires that the members of the parole board review all relevant victim impact statements prior to the conduct of a parole hearing.

S1745 - Provides that any person interested in the grant or denial of discretionary release shall have the right to submit a written statement of views in support of or in opposition to the granting of discretionary release that the parole board may consider.

S5320 - Requires unanimous consent of the Parole Board to release an inmate on parole.

S3734 - Requires inmates to have an acceptable residence to qualify for parole.

S4354 - Enacts "Lorraine's Law"; increases from twenty-four to sixty months, the time for which reconsideration for parole for a violent felony offense shall be determined.

S3268 - Enacts "Cesar's law" to require the retaking of parolees, who abscond from the

supervision of the state board of parole.

S4644 - Enacts "The Domestic Violence Protection Act - Brittany's Law" requiring registration of violent felony offenders; sets forth duties of the division of criminal justice services; establishes a special telephone number; requires the division to maintain a subdirectory of violent predators.

S1406 - "Clara's Law" requires health care facilities to report incidents of a sexual offense to the departments of health and education.

This package of legislation is in response to several pro-criminal reforms that were included in the state budget that was passed in April. These so-called reforms, nicknamed the Criminal's Bill of Rights, included changes that will let up to 90 percent of individuals arrested for a crime walk free and instead receive an appearance ticket from the officer and an end to cash bail for everything shy of the most severe violent felonies. Other reforms that were in the state budget included a reduction of sentences for illegal immigrants who commit crimes for the sole purpose of evading deportation and a measure limiting the public release of mugshots, a clear threat to public safety and a blow to openness, transparency and the public's right to know.

The negative impact of these pro-criminal reforms have already been felt. Not even a month after these initiatives went into effect, a Colonie, N.Y., man with a lengthy criminal history that included 25 arrests and 20 convictions, with three felonies, beat his mother days after he was released without bail for violating a previous court order to stay away from her, according to the Times-Union. A Colonie Police lieutenant told the newspaper "The criminal justice system has failed (the man's) mother."

However, Downstate Democrats intend to move even further and are pushing legislation to

grant parole hearings for inmates who have served 15 years once they reach their 55th birthday, regardless of what crime the individual committed. Other elected officials are advocating for voting rights for felons, including serial killer David Berkowitz, otherwise known as "Son of Sam," who was sentenced to six consecutive 25-years-to-life terms, Colin Ferguson, a mass murderer who killed six people on a train in Long Island in 1993. Ferguson received a 200-year sentence. Currently, an individual with a felony conviction is entitled to register and vote once they have been discharged from parole.

In the meantime, Deputy Minority Leader Griffo has proposed legislation that also would provide real criminal justice reform. This includes:

S4734 - Authorizes the state board of parole to require a violent felony offender to serve his or her maximum term, if, by clear and convincing evidence, release would pose an imminent threat to society; authorizes the withholding of good behavior allowances of violent felony offenders by the state board of parole upon such a finding. This legislation could help prevent senseless deaths such as that of Linda Turner, who was murdered in 2011 in North Utica by serial rapist Robert Blainey, who had been released early from prison due to merit time earned for good behavior. The parole board indicated that they had no other choice but to release Blainey.

S3853 - Directs a criminal court to establish a period of commitment for persons found not responsible by reason of mental disease or defect; a person so committed shall not be eligible for release from the custody of the commissioner of mental health or the commissioner of developmental disabilities until completion of the period of commitment. This legislation would keep murderers such as David Trebilcock, who fatally attacked 6-year-old Lauren Belius in 2011, confined for a longer time.

Deputy Minority Leader Griffo said, “Instead of coddling criminals and constraining cops, as the supposed criminal justice reforms in this year’s state budget would do, we should be fighting for the rights of crime victims, their families and law-abiding public. I am proud to support the package of legislation introduced earlier this week and will continue to fight for the rights of crime victims, their families and our law enforcement professionals who put their lives on the line to keep our families and communities safe and free from harm.

Oneida County Executive Picente said, “I applaud Sen. Griffo for taking the wheel to right the ship on criminal justice reform. These measures will tip the scales back toward law-abiding citizens and the victims of crimes and away from those who commit them. I hope the state Legislature will do the right thing and pass this much more sensible agenda.”

Oneida County District Attorney McNamara said, “I am very pleased to see Sen. Griffo leading the charge for a return to sensibility in New York State criminal justice reform. Over the past few months, the ultra-liberal wing of the Legislature, with the help of the Governor, have granted unprecedented rights to criminal defendants and convicted felonies. In addition, they are currently debating early parole eligibility for convicted murderers and child molesters who are over 55 years of age and have served 15 years of their sentence. Throughout all of this, no thought or concern has been shown to the law-abiding citizens who were victimized by the criminals and will be further traumatized by these additional parole hearings and early releases of predators. I thank the Senator and his levelheaded colleagues for remembering why we have a criminal justice system and the importance of giving victims and witnesses rights and protections in our great state.”

New York State Sheriff’s Association President and Oneida County Sheriff Maciol said, “I commend Sen. Griffo and his Republican colleagues for doing all they can to keep our communities and our people safe and for protecting the crime victims instead of those who

committed the crimes.”

Lewis County Sheriff Carpinelli said, “Sadly, it seems that every day criminals in New York State get more attention than the victims of crimes. This isn’t right and needs to change. I support the efforts of Sen. Griffo and his conference to ensure that the victims of crime and their families get the attention, support and resources that they deserve.”