The Toughest Crime Laws in a Generation

A summary of recent significant criminal justice laws passed by the New York State Assembly.

Sheldon Silver
Speaker of the Assembly

Joseph Lentol
Chair, Assembly Codes Committee

February 2000
Dear Friend,

Over the past five years, the New York State Legislature has enacted the toughest crime laws in a generation. Although the reinstatement of the Death Penalty attracted the most attention, many other historic laws have been passed — including eliminating parole for violent felons, protecting children from sexual predators, imposing tough new penalties for brutal assaults and reforming domestic violence statutes.

This booklet summarizes these new laws, which over the past five years have brought unprecedented changes to our penal system and helped reduce violent crime in New York State by 34%.

We’ve made great strides in protecting New Yorkers from crime, but our work is far from over. The New York State Assembly is committed to ensuring that violent criminals receive severe punishments, and that all New Yorkers feel safer — whether they’re on the streets, at home, at school, or in the workplace.

We will continue to fight for greater safety for our families, communities and children.

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Making the Punishment Fit the Crime: 
Sentencing Reform

Violent crimes deserve severe punishments. That’s why the Assembly supported and passed historic legislation eliminating parole for violent offenders and substantially increasing the sentences for every violent crime committed in New York. These sentencing reform laws have given prosecutors new tools to put violent offenders behind bars and victims the knowledge that violent offenders can be incarcerated for a significant period of time.

Eliminating Parole for Violent Felons

The Sentencing Reform Act of 1995
Chapter 3, Laws of 1995, A.7991/S.5281

Eliminating Parole for First-Time Violent Felons
Chapter 1, Laws of 1998, S.7820/A.11453

The New York State Assembly passed historic legislation to eliminate parole for violent felons, require “truth-in-sentencing” and impose longer sentences on every offender convicted of a violent crime in New York.

The Sentencing Reform Act of 1995 eliminated parole for second-time violent felony offenders and increased sentences for first-time offenders. The act also doubled the minimum sentences which must be served by offenders convicted of committing three violent crimes. All such three-time offenders must serve a maximum sentence of life in prison.

In 1998, the Legislature enacted legislation to eliminate parole and require determinate sentences — even for first-time violent offenders. Under this law, for example, offenders convicted of first degree robbery or burglary can now be sentenced to up to 25 years in prison.

“...the governor and the Legislature have made great changes in New York's criminal law... And their result — violent criminals serving longer sentences behind bars — is that our state is becoming a safer place to live, work and raise a family.”

Glen Goord
Commissioner, NYS Dept. of Correctional Services
Buffalo News, 5/3/97
This strong law also institutes a period of post-release supervision of up to five years after an offender completes his or her full sentence, to help ensure that these felons do not repeat their crimes.

■ **Cracking Down on Illegal Gun Sales**  
*Chapter 654, Laws of 1998, A.6246-a/S.4346-a  
Chapter 369, Laws of 1998, A.8174/S.5471*

In order to keep guns out of the hands of criminals, we must get to the root of the problem by prosecuting illegal gun runners to the fullest extent. With that in mind, we passed a law — strongly supported by the major police organizations of New York State — increasing the punishment for the following crimes by one felony class:

- Criminal Sale of a Firearm in the first, second and third degrees
- Criminal Sale of a Firearm with the Aid of a Minor
- Criminal Sale of a Firearm to a Minor

We also passed a law adding the crimes of Criminal Sale of a Firearm with the Aid of a Minor and Criminal Sale of a Firearm to a Minor to New York’s Organized Crime Control Act, a move that will aid the fight against firearm sales to children.

■ **Keeping Guns Off School Grounds**  
*Chapter 435, Laws of 1998, A.9374/S.6243*

Spurred by an incident in Rochester in which a youth discharged a gun at a school dance, we passed a law bringing harsher penalties to juveniles age 14 or 15 who possess a loaded firearm on school grounds. The measure allows these youths to be sentenced in adult courts, facing a penalty of up to seven years in prison.

■ **Increasing Penalties for School Bomb Threats**  
*Chapter 561, Laws of 1999, A.9038/S.6144*

The tragic events at Columbine High School in Littleton, Colorado were followed by a rash of bomb threats at schools across our state. To help put a stop to these and other dangerous incidents, the Assembly passed a law increasing the penalties for bomb scares and threats of similar violence on school grounds. Those found guilty of bomb, fire, explosion or hazardous substance threats will now face up to four years in prison. Juveniles and adults found guilty of this crime will also have their drivers’ licenses suspended for one year.
Making Carjacking a Felony
Chapter 308, Laws of 1995, A.5091/S.3021

In 1995, we passed a law that recognizes the seriousness of carjacking. This measure increases the maximum penalty from seven to 15 years in prison for any carjacking — even one which does not involve a weapon — and gives carjacking violent felony status.

Protecting Children in Day Care
Chapter 600, Laws of 1998, A.10223-c/S.6781-c

In an effort to safeguard our trust in those who care for our families, we passed a strong measure that protects children in day care. This law creates two new crimes with tough penalties. Day care center operators who engage in reckless conduct that results in serious physical injury will be imprisoned for up to four years. Providers who misrepresent information about their facilities, thus risking the health and safety of a child, will face up to one year in prison.

Cracking Down on Cemetery Desecration
Chapter 165, Laws of 1997, A.2959/S.1884

Destroying cemetery plots and grounds is an affront to our remembrances and cultures. This insulting behavior merits tough punishment. That’s why we passed a law that makes damaging cemetery plots, burial plots or graves a crime punishable by up to one year in prison. Repeat offenders face up to four years in prison. And the law authorizes the courts to charge defendants restitution or community service as repayment for damages.

Getting Dangerous Fireworks Off Our Streets
Chapter 180, Laws of 1997, A.1074-c/S.4788

Our families are placed in jeopardy when dangerous fireworks are used improperly. To put a stop to this unsafe practice, we passed a law increasing penalties for the possession and sale of fireworks — especially those that are particularly dangerous. This law provides up to one year in prison for selling fireworks worth $500 or more, or selling any fireworks to a person under 18. Criminals will be given up to four years in prison for a repeat offense within five years.
■ **Outlawing Disguised Guns**  
*Chapter 378, Laws of 1998, A.10920/S.7504*

Law enforcement personnel may be thwarted by criminals who carry firearms disguised to look like keychains, pens, belt buckles, or walking canes. These guns serve no legitimate purpose for law enforcement or sports, are a threat to security at airports, courthouses, and police stations, and can go undetected. To crack down on this threat to safety, we passed a law making it a felony to possess, manufacture or traffic in these types of weapons.

■ **Preventing Harassment of Rent Regulated Tenants**  
*Chapter 116, Laws of 1997, A.8346/S.5553*

As part of the Rent Regulation Reform Act of 1997, we passed a law cracking down on landlords or agents who physically injure their tenants in an attempt to force them to vacate their apartments. Under the law, this type of harassment is punishable by up to four years in prison.
Giving Brutal Assailants Their Due

- **Assault in the First Degree**  
  *Chapter 646, Laws of 1996, A.8471/S.7932*  

Serious physical assaults — those that cause permanent or disfiguring injury — deserve a stiff punishment. These crimes have long been underpunished, carrying a lower sentence than crimes that may cause no injury to a victim.

That’s why the Assembly passed a law raising the penalty for first-degree assaults, increasing the maximum sentence from 15 to 25 years in prison.

- **Assault on a Police Officer, Peace Officer, Firefighter or EMS Technician**  
  *Chapter 632, Laws of 1996, A.11275/S.7935*  

In order to make sure our police and other emergency personnel can do their jobs effectively, we stepped up the consequences of assaulting them.

This law creates a new category of Class C violent felony for seriously injuring one of these officials in the line of duty. This crime is punishable by up to 15 years in prison.

- **Keeping Emergency Workers Safe**  
  *Chapter 287, Laws of 1998, A.6025-b/S.1143-a*  

Emergency workers make a tremendous contribution to the health and safety of our families, and they deserve to be protected as they carry out their duties. With that in mind, we passed a law increasing penalties for assaults on hospital emergency personnel, making such assaults punishable by up to seven years in prison.
Protecting Police Officers from Animal Attacks
Chapter 269, Laws of 1998, A.9252-a/S.6156-a

Police and peace officers face a great many threats while enforcing the law. These threats include warding off dangerous animals. We passed a law that addresses this problem by providing up to seven years in prison to any person who injures a police or peace officer by intentionally releasing a dangerous animal to harm them.

Assaults Against Children
Chapter 122, Laws of 1996, A.948-b/S.5492-a

It is a tragic fact that small children are often subjected to physical assaults by family members or caretakers. Before August 1, 1996, assaults against young children involving physical injury could only be prosecuted as misdemeanors punishable by up to one year in prison.

This measure makes assaulting a child under the age of seven a Class D violent felony with a maximum sentence of seven years behind bars, sending a strong message that child abusers will be severely punished.

Child Abuse Prevention and Treatment Act
Chapter 136, Laws of 1999, A.8455-a/S.5689-a

In an effort to protect children from abuse, the Assembly passed a law that significantly improves New York’s child protective system and brings the state into compliance with recent federal statutes. The Child Abuse Prevention and Treatment Act establishes citizen review panels — community volunteers who are experts in the prevention of child abuse and maltreatment — to oversee the procedures of the child protective system to ensure the utmost safety for our children. The measure also creates fatality review teams to investigate the deaths of children who were reported victims of child abuse or received foster care. In addition, the law provides child protective case workers with more vital information by unsealing previous child abuse or maltreatment reports.
- **Stopping Gang Assault**  
  *Chapter 647, Laws of 1996, A.8817/S.7931*

There are few things more threatening than the specter of a gang intent on beating and seriously injuring an innocent victim. Yet prior to 1996, the law did not recognize injuries caused by such gangs as a more serious crime than injuries in which only one person perpetrated an assault.

This 1996 law enacts two new crimes to increase the penalties for assaults committed by gangs of three or more people where serious physical injury is caused. These crimes of Gang Assault in the First and Second Degrees (Class B and Class C violent felonies) are now punishable by up to 25 years in prison.

- **Protecting the Elderly and Physically Disabled**  
  *Chapter 381, Laws of 1998, A.11258/S.337-b*

While most caregivers really care about our loved ones, there are unfortunately some who don’t. Abuse of vulnerable elderly and disabled people simply must be stopped. That’s why we passed a law increasing penalties for endangering the welfare of the elderly or disabled. Caregivers who abuse patients in this manner will face up to seven years in prison.

- **Prohibiting Female Genital Mutilation**  
  *Chapter 618, Laws of 1997, A.3379-a/S.2163-a*

The practice of ritual mutilation of the genitalia of female children has been undertaken by some individuals for centuries in certain African, Middle Eastern and Southeast Asian countries, although the practice has been legally outlawed in many of these countries and Europe. This brutal practice more often than not results in bleeding, shock, trauma, infertility, and sometimes even death. In 1997, we took action to make sure this horrifying ritual is not carried out in New York State — by passing a law making female genital mutilation punishable by up to four years in prison.
Combating Violent Sexual Predators

There are few more heinous crimes than the abduction, assault, sexual assault or murder of a child. Studies have shown that pedophiles tend to repeat their crimes and that their deviant behavior is difficult to correct. That’s why the Assembly established longer sentences and better tracking of these felons if they are released from prison.

Sex Offender Registration and Community Notification

Chapter 453, Laws of 1999, A.9020/S.6100
Chapter 113, Laws of 1999, A.7102/S.4427

The tragic 1994 slaying of seven year-old Megan Kanka by a New Jersey neighbor with a history of child molestation dramatically illustrated the need to do all we could to prevent such atrocities.

New Jersey established a registry of sexual offenders to provide information to community residents when those felons are released into their neighborhoods. New York’s version of this law was passed in June of 1995 and took effect January 21, 1996. In 1999, the Assembly enhanced the legislation to ensure that our children are protected to the fullest extent of the law.

Statewide Registry
Upon completion of their prison sentence, sex offenders must register their names, addresses, and other personal information with the state Department of Criminal Justice Services (DCJS) for at least 10 years. The most dangerous and recalcitrant offenders can be required to register for life.

Community Notification
Under the law, anyone can dial 1-900-288-3838 to access information about whether a specific individual has a history of conviction for sex offenses covered by the law.

Local officials will also have a sub-directory of the most dangerous convicted sex offenders, including photographs, which will be available to the public. To ensure the most up-to-date information possible, the Assembly passed a 1999 law requiring monthly updates of this document.
In the fall of 1998, a federal court issued an injunction preventing the release of information to the public regarding sex offenders who committed their crimes prior to the effective date of Megan’s Law (January 21, 1996). In order to address this decision, the Assembly passed a 1999 law that will make the community notification provisions of Megan’s Law operable and allow for the release of information to the public. In addition, this new law expands the list of crimes subject to the registration and notification provisions of Megan’s Law to include first and second degree course of sexual conduct against a child, third degree aggravated sexual abuse and soliciting or promoting the prostitution of a minor.

### Course of Sexual Conduct

*Chapter 122, Laws of 1996, A.948-b/S.5492-a*

This important law makes it easier to prosecute and convict child sex offenders and increases the penalties for these heinous crimes.

A prior court decision (*People v. Keindl*) dismissed several cases because the victims were unable to remember specific dates of abuse. Young children are often able to testify about the details of a pattern of sexual abuse, but cannot recall the specific dates or time periods when such crimes occurred. By creating a category of “continuing crimes” the law overrules *Keindl*, acknowledging that many of these child sex crimes are repetitive, happening over periods of months or even years.

These crimes are punishable by up to 25 years in prison. As of August 1, 1996, vicious child sexual predators will no longer go free because their victims are unable to meet the strict evidentiary requirements applied to adult witnesses.
Protecting Children from Pornography and Sexual Exploitation

- **Cyberpornography**
  *Chapter 600, Laws of 1996, A.11154/S.210-e*

  *Cyberporn* is an example of how deviants can use technology to try to stay one step ahead of our penal system. With the advent of on-line services and the accessibility of these services to children, sophisticated pedophiles have used this medium to lure children into unlawful sexual encounters.

  As of November 1, 1996, pedophiles who solicit a minor for sex over the Internet are committing a Class D felony, punishable by up to seven years in prison.

- **Possession of Child Pornography**
  *Chapter 11, Laws of 1996, A.8426/S.1638*

  This law makes the knowing possession of even one piece of child pornography punishable by up to four years in prison. Prior to the enactment of this legislation, simple possession of this material was not a crime.

  Though possession does not mean the consumer has perpetrated child sex crimes, it does link the individual to child sexual exploitation by providing a market for the criminals who produce the materials. That’s why exacting harsh punishment on child pornography possession is an important way to crack down on this horrific crime.

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“Child pornography is the photographic record of child abuse. It is a type of ‘crime scene photo’ that has no societal or personal value except to the deviant, perverted mind of the pedophile…”

- *Enough is Enough*
  Anti-pornography group
  11/2/95
Testing Sex Offenders for HIV

Chapter 76, Laws of 1995, A.7993/S.5319

The trauma suffered by sex crime victims is compounded by the fear that the attacker could carry HIV, the virus that causes AIDS.

That’s why New York law now allows a victim of rape to obtain a court-ordered HIV test of the perpetrator. The tests will be performed by public health officials and disclosed confidentially to victims.

This law empowers victims by giving them information they may find useful in determining whether they should be concerned about their own HIV status.

Protecting the Confidentiality of Victims of Criminal HIV Transmission

Chapter 643, Laws of 1999, A.8273-a/S.5539-a

The confidentiality of rape victims is protected by laws prohibiting the disclosure of a victim’s identity during criminal proceedings. However, these laws do not apply if a crime involves the alleged transmission of the HIV virus and the defendant in the case is charged with a crime other than a sex offense. The notorious case of Nushawn Williams — in which the defendant was charged with infecting numerous women with HIV and pled guilty to reckless endangerment in connection with those acts — highlighted the current gaps in New York’s rape confidentiality laws.

To remedy the problem, a new law provides that any victim of a crime involving alleged HIV transmission is entitled to have their identity kept confidential — regardless of the crime for which the defendant is convicted. This new law will protect crime victims and encourage more victims to come forward when they have been subject to a crime which may have involved HIV transmission.

Foreign Object Sexual Assaults

Chapter 181, Laws of 1996, A.8549/S.6825

Before the enactment of this statute, a case involving a sexual assault with a foreign object, in which no physical injury was caused, was considered a misdemeanor. We addressed this loophole by creating the Class D felony of Aggravated Sexual Abuse in the Third Degree. This crime occurs when a victim is sexually assaulted with a foreign object and no physical injury can be proven.
Tracking Offenders and Assisting Crime Victims

■ Opening the Records of Child Abuse Investigations to Law Enforcement
  Chapter 12, Laws of 1996, A.8392-a/S.5959-a

Records of certain child abuse investigations were previously considered confidential, even from law enforcement. This law, enacted to prevent tragedies like the death of 6-year-old Elisa Izquierdo in New York City, requires that detailed records of child abuse investigations be maintained, even when the allegations are determined to be unfounded, so that the records can be reviewed in future investigations to determine whether a pattern of abuse exists.

This law also removes confidentiality in cases where the subject of the investigation is charged with a crime involving a child or has waived confidentiality, or when the child named in the report has died. This law also gives the state comptroller and county comptrollers access to abuse reports to aid them in reviewing the actions of child protection agencies.

■ DNA Databank and Forensic Oversight
  Chapter 737, Laws of 1994, A.12252/S.8897
  Chapter 560, Laws of 1999, A.9037-a/S.6145

DNA Databank
Under a 1994 law, offenders convicted of homicide, sex or assault crimes after January 1, 1996 were required to provide a blood sample for a DNA identification index. Then in 1999, the Assembly passed another law expanding the DNA database tenfold by adding samples from an estimated 100,000 convicted felons — including violent felons currently in prison or on probation or parole, as well as felony drug dealers and others convicted of certain crimes.

The index is available to police and prosecutors to compare with DNA crime scene evidence. Much as the use of fingerprinting revolutionized police practices in the past, the use of DNA technology will become indispensable for tracking and apprehending violent offenders in the future.
Forensic Oversight
The original DNA law also established the nation’s first comprehensive system for regulating the forensic work of public crime laboratories. A Forensic Sciences Commission will now regulate crime labs to ensure that the highest possible standards are in place.

The faulty evidence collection procedures exemplified in several highly publicized cases demonstrate that improper evidence collection and lab procedures can throw a wrench in investigative and prosecutorial work. The Commission should help prosecutors take full advantage of forensic work in putting violent criminals behind bars.

■ Requiring Juvenile Fingerprinting

*Chapter 645, Laws of 1996, A.11166-b/S.7937*

This legislation requires that all juveniles age 13 and older who are charged with a felony be fingerprinted when arrested. Previously, juveniles age 13-15 were only fingerprinted for the most serious felonies. Now, fingerprinting is required in all felony cases.

■ Mace® Legalization

*Chapter 354, Laws of 1996, A.10801-a/S.1728-a*

Self-defense sprays can be effective tools for protection against mugging and other assault crimes. New York was the last state to legalize the sale and possession of pocket-sized self-defense sprays. Since 1996, the use of Mace® and similar products is legal for New Yorkers 18 and over.

Because of the potential dangers of these sprays, consumers must show proof of age and sign a sworn statement that they have not been convicted of any felony or assault crime. Only authorized vendors may sell the products.

The law also takes steps to ensure the spray isn’t used against law enforcement officials in the line of duty by making such conduct a felony.

■ Protecting Kids from Violent Criminals

*Chapter 150, Laws of 1998, A.11346/S.5799-b
Chapter 378, Laws of 1999, A.8134/S.4665-a*

Under a new law passed in 1998, the court may not order a child to visit a parent convicted of murdering the child’s other parent. The court is also prohibited from awarding custody to the convicted parent. In 1999, we expanded the law to also prohibit visitation or custody when a parent has been convicted of murdering a child’s sibling, half-sibling, or step-sibling.
Exceptions may be made in the best interests of the child where he or she is old enough to make decisions and chooses to visit the parent, or where the parent has committed the homicide after being the victim of repeated acts of domestic violence.

■ Providing Safe Foster and Adoptive Homes  
*Chapter 7, Laws of 1999, A.962-a/S.2346*

Everything must be done to assure that children who need foster care or adoptive homes are placed in a safe and caring new environment.

This new law, which implements the federal Adoption and Safe Families Act, is designed to shorten the length of stay in foster care and speed up the process of placing needy children in permanent adoptive homes. To assure that placements are appropriate, this law provides for fingerprinting and criminal history checks of prospective foster and adoptive parents. In addition, the law provides that persons convicted of serious crimes are barred from serving as foster or adoptive parents.

■ Background Checks for Child Caregivers  
*Chapter 3, Laws of 1998, A.5699-b/S.6796-c*

To protect children who are being cared for in their homes by hired child care providers, this law authorizes parents to research prospective child care providers by obtaining fingerprints and criminal history background checks, and alerts them to procedures for obtaining motor vehicle and educational records and credit reports as well.

■ Stopping Potential Child Abuse  
*Chapter 423, Laws of 1998, A.229/S.4413*

No child should be placed in a home with a known child abuser, but unfortunately, it has been known to happen. That’s why we passed a law requiring the court to determine if a person petitioning for guardianship of a child, or anyone living in their house, has ever been the subject of an indicated child abuse report. This information will be used to make child placement decisions.
### Stopping Clinic Violence & Protecting Religious Worship

*Chapter 635, Laws of 1999, A.9036-a/S.6146*

Last year, Dr. Barnett Slepian was shot and killed in his own home because of his work at a Buffalo health clinic. Numerous other violent acts and incidents of physical obstruction have plagued both women seeking reproductive health services, and the health care professionals who serve them. To crack down on such unlawful activity, the Assembly passed legislation which makes it a crime to threaten violence or unlawfully block access to reproductive health care services.

The new law also protects the right to religious worship by imposing similar criminal penalties on anyone who attempts to block access or otherwise unlawfully deny a person’s right to practice their religion at a place of worship.

### Orders of Protection for Witnesses

*Chapter 610, Laws of 1998, A.11092/S.6785*

Witnesses in criminal cases are often rightfully fearful about the consequences of testifying in court. To help ensure their safety, we passed a law allowing the court to extend an order of protection for a witness even after a trial has been completed. This measure should help deter defendants and their associates from attempting to threaten or harm a witness.

### Giving Victims a Voice at Sentencing

*Chapter 198, Laws of 1996, A.5863-a/S.6135-a*

It is important for crime victims and their families to have the opportunity to be involved in court proceedings. This involvement can provide victims with important information, and can help victims deal with the after-effects of a crime.

Family members of a victim often request the opportunity to make a statement in court during sentencing, but prior to this legislation this was only allowed when the victim was a child.

Now a family member or legal guardian may make a statement at sentencing on behalf of any victim when that victim is unable or unwilling to do so.
Letting Crime Victims Be Heard
*Chapter 367, Laws of 1998, A.5982-a/S.6710*

Evidence of the impact of a crime on a victim is relevant to whether criminals should be released on parole. To make sure this information is given serious consideration, we passed a law clarifying that crime victims may submit a victim impact statement or meet personally with a member of the parole board every time a criminal comes up for parole.

Giving Victims a Better Chance to Provide Information
*Chapter 611, Laws of 1998, A.10746-a/S.6860-a*

To make it easier for crime victims and their families to share their stories, we passed a law allowing them to submit a recorded audio or videotaped statement rather than be limited to submitting only a written statement to the division of parole when the perpetrator is up for release consideration.

Keeping Crime Victim Records Confidential
*Chapter 64, Laws of 1998, A.8184/S.5183*

Crime victims should not have to worry that private information they provide to the Crime Victims Board may fall into the wrong hands. So we passed a law requiring that records maintained by the Board are kept confidential.

Helping Crime Victims Restore Their Homes
*Chapter 81, Laws of 1998, A.10375/S.6606*

To help victims get their homes and personal property in order following a crime, we passed a law providing them with up to $2,500 for the expense of repairing or securing the place where the crime was committed. The funds will be used for cleaning and replacement of necessary fixtures like doors, windows, screens, and locks.
Assisting Stalking Victims

Chapter 443, Laws of 1998, A.8898-a/S.6503

Even if a stalking victim is not physically injured, emotional scars can run deep, and victims often need counseling or some other type of professional help. Stalking victims may also lose money as a result of damage to personal property or loss of time at work. To help stalking victims put their lives back together, we passed a law allowing them to seek compensation from the Crime Victims Board for loss of earnings, damaged or destroyed personal property, security devices, transportation or counseling.

Increasing Penalties for Surreptitious Recordings

Chapter 391, Laws of 1996, A.9496/S.6589

This legislation makes it a felony to install or allow a hidden video recording device in any fitting room, restroom or shower or anywhere in a hotel room. The law responds to two recent incidents in which bar owners secretly recorded female patrons as they used the restroom.
For years, domestic violence victims have complained that the criminal justice system has not treated domestic violence as the serious crime it is and that police, prosecutors and judges have too often been unable or unwilling to mete out stiff punishments to domestic abusers. Over the past decade, the Assembly has taken the lead in changing the system by enacting historic legislation that goes a long way toward giving victims of domestic violence the protection they need, and offenders the punishment they deserve.

While much more needs to be done, we have made an important beginning over the past several years in strengthening domestic violence laws.

One roadblock to cracking down on domestic violence has been the inability of police and the courts to enforce *orders of protection* — restraining orders meant to keep abusers away from their victims. An important part of the Assembly’s domestic violence program has focused on strengthening and clarifying these injunctions to make sure victims are truly protected.

In 1999, the Assembly also passed one of the toughest anti-stalking laws in the nation, providing prison terms of up to 7 years for this crime.

### 1994 Family Protection and Domestic Violence Intervention Act

*Chapter 222, A.11992/S.8642 and Chapter 224, A.12092-a/S.5881-d*

In 1994, we passed what advocates, police and prosecutors recognize as one of the most significant improvements in domestic violence laws ever enacted in New York. This law represented years of effort by the Assembly to develop a comprehensive response to the problem of family violence.

**Mandatory Arrest**

Under the act, police must make an arrest when they are called to the scene of a violent domestic dispute where:

- a felony has been committed by one household member against another
- the perpetrator has violated the *stay away* provision of an order of protection
• a family offense is committed in violation of an order of protection
• a family offense misdemeanor is committed

**Concurrent Jurisdiction — Expanded Judicial Options**
The Act also repealed prior rules that forced victims of domestic violence to choose either family court or criminal court to pursue their cases. Under those rules, once a victim chose one forum, they were permanently barred from the other. Now victims can proceed in either court or both.

The law also gives the Family Court new enforcement options for violations of orders of protection, including referring the case to a district attorney or directly to criminal court.

**Tougher Enforcement**
The act also strengthened domestic violence laws by:

- Increasing the maximum length of an order of protection from one to three years
- Increasing certain violations of orders of protection from misdemeanors to felonies
- Establishing a statewide computer registry of all family offense orders of protection, giving police and the courts immediate access to important information on domestic violence cases

**Further Strengthening Orders of Protection**
In 1995, we passed additional legislation to strengthen and clarify the 1994 omnibus bill including:

- Authorizing courts to issue orders of protection that apply to individuals living outside the state (*Chapter 441, A.6826/S.3953-a*)
- Making it more difficult for offenders to obtain “mutual” orders of protection, which have inadvertently given perpetrators protection (*Chapter 538, A.6827/S.4025-b*)
- Designating harassing phone calls and letters as aggravated harassment in the second degree, making it easier to issue orders of protection in such cases (*Chapter 440, A.6825/S.3943*)
- Streamlining and updating the terms and conditions courts may impose when issuing an order of protection (*Chapter 483, A.6830-a/S.4987-a*)
“Judges often mistakenly assume that the battering on one parent by the other is not detrimental to the child and therefore irrelevant, even though data indicates that over 50% of battering spouses will abuse their children as well... This legislation goes a long way toward addressing the serious issue of domestic violence in custody and visitation cases.”

Then in 1996, we improved the law even more by increasing penalties for threatening behavior like stalking, phone harassment, and verbal threats in violation of an order of protection to up to four years in prison. That measure also made assaults committed in violation of an order of protection punishable by up to 7 years in prison. *(Chapter 353, Laws of 1996, A.11276/S.7930)*

The Assembly then further strengthened orders of protection by providing that a temporary order of protection, which is issued to a victim at the same time as a warrant of arrest for a perpetrator, will stay in effect indefinitely, until the perpetrator is caught or surrenders. Previously, such temporary orders could only remain in effect for a limited period of time. *(Chapter 589, Laws of 1997, A.6442-a/S.3208-a)*

### No Guns for Abusers

*Chapter 644, Laws of 1996, A.10640-a/S.7631-a*

This law authorizes judges to revoke or suspend an abuser’s gun license and to order the surrender of guns possessed by a perpetrator of domestic violence when there is reason to believe the victim is in danger. The judge must revoke the license when the abuser commits certain serious acts.

Abusers should not be allowed easy access to deadly weapons. This law makes it more difficult for abusers to use guns against their victims.

### New Protections for Children

*Chapter 85, Laws of 1996, A.2446-c/S.7403-b*

Violence in the home can be devastating to young children, even if they are not the direct targets of physical abuse. Some New York courts have recognized domestic violence as a factor in child custody and visitation determinations, but others have questioned its validity as a criterion when a child was not physically abused by the parent.

This law requires the courts to consider the impact of violence in the home on children, whether the physical abuse was directed at the child or another member of the household. The new law will be applicable even in cases where the child did not personally witness the abuse.
Creating a Fatality Review Board

A. 167-a (1996)

This legislation, which creates a Fatality Review Board to examine domestic violence deaths, passed the Assembly with overwhelming support. The Board would study and investigate specific cases and make recommendations on how the criminal justice system, the courts and other government agencies could be improved to better protect persons at risk from domestic violence.

Subsequent to the Assembly’s passage of this legislation, the Governor, by executive order, created a temporary commission to study domestic violence fatalities and report to the Legislature on this issue.

Protection of Domestic Violence Victims

Chapter 4, Laws of 1997, A.8672/S.5791

This law makes sure domestic violence victims who fight back aren’t arrested for acting in self-defense. The measure requires police called to the scene of a domestic violence dispute in which two people are fighting to attempt to identify and take into custody only the “primary physical aggressor” by taking into consideration the extent of injuries to both parties, any history of domestic violence, and whether self-defense was involved. Prior to this law, victims were in some cases inappropriately arrested, along with domestic violence perpetrators.

Cracking Down on Abusers Who Follow Their Victims to Our State

Chapter 597, Laws of 1998, A.11051-a/S.7589

New York’s 1996 contempt law provided up to seven years in prison for criminals who engaged in stalking, phone harassment or verbal threats in violation of an order of protection. Unfortunately, a loophole prevented the full prosecution of stalkers who followed their victims to New York from other states, where this type of behavior is not punished as a felony. That’s why we passed a law closing this loophole, making sure all perpetrators are punished to the fullest extent of the law.
Stopping Stalkers in Their Tracks

Chapter 635, Laws of 1999, A.9036-a/S.6146

A recent FBI study showed that 30% of all murdered women are killed by husbands or boyfriends who stalked them. A study by the Department of Justice found that 80% of women who were stalked by current or former intimate partners had been physically assaulted during their relationship. Stalking can inflict not only great emotional harm — it is often associated with physical assault and sexual violence.

To stop stalkers in their tracks, the Assembly passed one of the toughest stalking laws in the nation. Under this statute, stalkers who subject others to physical violence will be subject to prison terms of up to seven years. The new law also makes it a crime to follow or repeatedly harass or annoy another person even when there is no threat of violence. Thus, the new law will not only crack down hard on violent offenders, but will allow police and prosecutors to intervene in the earliest stages of a stalker’s unlawful behavior.

No one should have to endure the fear and anguish that a stalker can inflict. Under New York’s tough new stalking law, stalkers can be put behind bars before they have a chance to do significant harm.
Ending the Scourge: Four Years of Drug Reforms

The Assembly has led the fight to end drug use and sales in our schools and neighborhoods. Tough new laws give police the tools they need to prosecute dealers and protect our children from the cruel cycle of drug dependency.

- **Keeping School Grounds Drug-Free**
  *Chapter 292 Laws of 1994, A.6903-b/S.6379-b*

  This legislation gives police the ability to effectively prosecute dealers who sell drugs on or near school grounds.

  Previously, only those caught selling to someone under the age of 19 could be convicted under New York’s tough drug-free schools law. Undercover police operations were rendered useless since most undercover agents are not under 19. Now anyone caught selling drugs on or near school grounds is subject to the full penalties of the law.

- **Expanding Drug-Free School Zones**
  *Chapter 289, Laws of 1998, A.3516-a/S.2402-a*

  To make sure our children are as safe as possible from the threat of drugs, we passed a law expanding Drug-Free School Zones to include child day care centers, nursery schools, pre-kindergartens, and areas within 1,000 feet of these places. Drug sales in any of these zones are now subject to tougher penalties.
Putting Drug Criminals Behind Bars
Chapter 75, Laws of 1995, A.7983/S.4381-a

A 1993 court decision regarding drug laws forced prosecutors to prove that a defendant knew the actual weight of the drugs they possessed (People v. Ryan). This made it very difficult to convict drug criminals of certain drug possession offenses unless they confessed to the crime.

Fortunately, a 1995 measure frees prosecutors from this requirement — closing the loophole and helping them put drug dealers behind bars.

Encouraging the Use of Drug Courts
Chapter 77, Laws of 1998, A.9379-b/S.6174-b

New York State has several specialized drug courts that have proven effective in dealing with non-violent drug and alcohol offenders. These courts take an active role in monitoring the defendant’s drug and alcohol treatment, and returning the defendant to regular court if the necessary treatment is not completed. We passed a law allowing more offenders to be prosecuted in drug courts, freeing up valuable court time and resources for violent criminals.

Declaring Ketamine a Controlled Substance
Chapter 635, Laws of 1997, A.216-b/S.324-b

In an aggressive effort to keep drugs off of our streets and away from our children, the Assembly passed a law adding Ketamine, also known as “Special K,” to the list of controlled substances. Ketamine, originally used as a veterinary anesthetic, has become a popular and dangerous drug among certain youths. Ingestion of Ketamine can result in delirium and disorientation, or harmful side effects like increased blood pressure, hallucinations, violent and irrational behavior, and possibly psychosis. There have also been reports of people secretly placing the drug in the drinks of unsuspecting victims to facilitate “date rape.” Thanks to this new law, an individual caught selling or in possession of Ketamine could spend up to 15 years in prison.
Putting an End to Fraud

■ Real Penalties for Welfare Fraud
Chapter 81, sections 168-73, Laws of 1995, A.7984-a/S.5280-a

The Assembly is at the forefront of welfare reforms that ensure assistance goes only to those who truly need it. Our tough laws establish:

- Five degrees of welfare fraud, depending on the amount of money involved. Penalties range from a Class A misdemeanor, for fraud cases involving less than $1,000, all the way up to a Class B felony, punishable by up to 25 years in prison, for frauds of over $1 million.

- The new crimes of illegal use and possession of benefit cards
  - 1st Degree (25 or more cards): A Class C felony (up to 15 years in prison)
  - 2nd Degree (10 or more cards): A Class D felony (up to seven years in prison)
  - 3rd Degree (5 or more cards): A Class E felony (up to four years in prison)

- Up to a five-year suspension of benefits due to false or withheld information on benefit applications

- Potential disqualification from the Aid to Families with Dependent Children (AFDC) program

■ Ending Prescription/Medicaid Fraud and Medical Kickbacks
Chapter 81, sections 94, 85, 85-a, Laws of 1995, A.7984-a/S.5280-a

District attorneys and police have seen a growth of cases involving doctors or physicians' assistants who sign prescriptions for unneeded medication. The patient then fills the prescription and sells the drug on the street.
In other cases, a patient may receive a legitimate prescription but sell it to a drug dealer instead of filling it. These schemes put potentially dangerous medications on the street and cheat taxpayers if the patient receives Medicaid reimbursement for the prescription.

The Assembly responded by making it a crime to commit prescription and Medicaid fraud. Those convicted under the new law may serve up to 15 years in prison, depending on the severity of the fraud.

The Assembly also got tough on medical professionals who accept kickbacks in exchange for patient referrals — increasing the penalty from a standard misdemeanor to a felony if the kickback exceeds $7,500.

### Disconnecting Cell Phone Fraud

*Chapter 357, Laws of 1996, A.720-a/S.587-a*

The burgeoning telecommunications field creates new opportunities for people bent on defrauding and victimizing consumers.

This law increases the penalties for telecommunications theft and fraud, and ensures prosecution for those who steal access codes from cell phone users.

### Upping the Stakes for False Personation

*Chapter 69, Laws of 1997, A.199-b/S.270-b*

Criminals who attempt to escape punishment must be stopped. That’s why we passed a law making it a crime to intentionally give a false or nonexistent name, address, or date-of-birth to a police officer.

### Cracking Down on Fraudulent Contractors

*Chapter 99, Laws of 1998, A.9788-a/S.6309-a*

Prior to this law, contractors who filed false claims or contracts with state agencies were committing a felony. This law expands that felony crime to include filing a false document with public authorities and public benefit corporations.

This law closes the loophole that allowed a corrupt New York City Transit Authority contractor to evade conviction and punishment by successfully arguing that the Transit Authority was not a “political subdivision” of the state.
■ **Addressing Public Corruption**  
*Chapter 251, Laws of 1998, A.10210-a/S.7021-a*

This law protects the integrity of government agencies, authorities and public officials by prohibiting any person convicted of corrupt conduct, such as offering a gratuity, from appearing before the applicable agency in a professional or representative capacity for five years.

■ **Cracking Down on Health Care Fraud**  
*Chapter 2, Laws of 1998, S.7843/A.10767-b*

Enacted as part of the legislation to expand New York’s Child Health Insurance Program (CHIP), this legislation cracks down on health providers who attempt to defraud taxpayers or health care insurers. The law also authorizes the use of wiretaps and enterprise corruption laws in the investigation and prosecution of fraud against the Medicaid system.

■ **Trademark Counterfeiting**  
*Chapter 535, Laws of 1995, A.6325-b/S.3620-b*

New York is headquarters for many top manufacturers of consumer goods. Unfortunately, some unscrupulous individuals benefit from upscale firms’ reputations by placing counterfeit names on lesser-quality products and then selling them deceptively to the public.

This statute strengthens law enforcement’s ability to prosecute counterfeiters by:

- making it easier for prosecutors to seize counterfeit products and remove them from the marketplace
- enhancing penalties for those engaged in trademark counterfeiting by making punishment commensurate with the retail value of the products, rather than their wholesale value

Trademark counterfeiting in the first degree (retail value of $100,000 or more) is punishable by up to 15 years in prison. Second degree counterfeiting (up to $1,000) can result in a sentence of up to four years.
Inmate and Corrections Reforms

Inmates under correctional supervision need close monitoring and severe sanctions for misbehavior. Those who pose a significant threat to the community should not be permitted to leave prison on work release, furlough or other programs. Our prisons must be made safe for those who must work in them.

These principles have been the driving force behind tough new laws which have made our prisons safer, more closely monitored inmates on probation, and eliminated work and temporary release programs for violent felons.

Keeping Violent Felons from Work Release

Chapter 83, Laws of 1995, A.8063/S.5336

Over the years, the Assembly has led the fight to prevent violent criminals from threatening the public. Because inmates on work release programs have absconded and committed new crimes after an escape, the Assembly passed legislation to authorize the Department of Correctional Services to ban work release for any inmate convicted of committing a violent felony. This will ensure that dangerous criminals are not released prior to the completion of their minimum sentences and offer enhanced protection to the public.

Ending Waste Assaults

Chapter 92, Laws of 1996, A.8389-c/S.5951-b

In a number of cases, inmates have engaged in the vile practice of throwing bodily waste at corrections officers, increasing a guard’s risk of contracting infectious diseases and causing emotional trauma to corrections employees and their families. In response, the Assembly spearheaded legislation that makes waste assault a felony — adding time to sentences and stripping work release privileges.
Tough Penalties for Correctional Employee/Inmate Sex

Chapter 266, Laws of 1996, A.8592-a/S.5912-a

This law prohibits sexual relations between inmates and corrections officers — including mental health professionals. These incidents are inherently dysfunctional and disruptive to the atmosphere in a correctional facility.

The law is designed to protect both inmates and corrections employees by establishing stringent penalties for such behavior.

Opening the Criminal Records of Psychiatric Patients

Chapter 181, Laws of 1995, A.8365/S.5441-a

Mental health professionals at state psychiatric hospitals now have access to the criminal records of their patients under this new law.

Knowing a patient’s criminal history can help mental health professionals make informed decisions about appropriate care, treatment and security requirements. This information also helps ensure that psychiatric patients who pose a danger to themselves or others are not released prematurely.

Electronic Monitoring of Probationers

Chapter 653, Laws of 1996, A.10473-a/S.7936

Electronic monitoring provides probation officers with an effective tool to track offenders on probation who may commit further crimes if left unchecked. Public safety will be improved and probationers will be deterred from committing new crimes under this legislation.

“The New York City Probation Department has effectively utilized electronic monitoring since the inception of the Short Term Alternative to Remand (START) program in February 1993 ... Over 700 total cases have been electronically monitored at an average savings of 207 jail days.”

NYC Mayor’s Office
Stopping Frivolous Lawsuits Brought by Prisoners

Chapter 620, Laws of 1997, A.5193/S.5753
Chapter 412, Laws of 1999, A.9017 (part “D”)

Frivolous lawsuits clog our court system and make it harder for courts to process legitimate complaints. To bring this injustice to an end, we passed a law discouraging criminals from filing frivolous claims — by requiring criminals who sue crime victims to reimburse a victim for legal fees if the court finds the case to be frivolous. If the plaintiff cannot afford the additional costs, victims are now allowed to obtain reimbursement through the state’s Crime Victims Compensation Fund.

To further crack down on these wasteful cases, the Assembly passed another law requiring inmates to pay the full filing fee — which can range between $50 and $245 — for actions or proceedings in state courts. Indigent inmates will be required to pay a reduced fee of $15 to $50.

This law also requires inmates making claims for the loss or damage of personal property to exhaust the administrative claims process established by the State Department of Correctional Services prior to bringing an action in court.

New York’s court system has been forced to contend with far too many frivolous lawsuits — including a case involving a convicted rapist who sued for $25,000, claiming that a bad haircut caused him headaches, chest pains and loss of sleep. The Assembly’s strong laws will help stop litigants like this from wasting taxpayer money and valuable court time.
Getting Tough on DWI and Highway Dangers

The Assembly has led the fight against drunk driving and other highway crimes by instituting a series of hardhitting laws aimed at saving the lives of New York motorists.

- **Zero Tolerance Saves Young Lives**  
  *Chapter 196, Laws of 1996, A.2364-d/S.5960-a*

Drivers under 21 are involved in 17% of all fatal drunk driving accidents, though they make up only 9% of the driving population. The *Zero Tolerance* law institutes stiff penalties for underage drivers who have consumed even a very small amount of alcohol.

This legislation suspends the licenses of young drivers with a blood alcohol content of .02% or more — roughly one beer, glass of wine or shot of hard liquor. The tragedy of young drivers killed and maimed due to drunk driving has exacted a terrible toll on the lives of thousands of Americans. Studies show *Zero Tolerance* laws deter young people from the temptation of drinking and driving.

- **Further Cracking Down on Underage Drunk Driving**  
  *Chapter 383, Laws of 1998, A.11286/S.3358-b*  
  *Chapter 519, Laws of 1999, A.7480-a/S.6115*

To address the ongoing problem of underage drinking and driving, we passed a law elevating fines and punishments for minors who purchase alcohol, as well as those who sell alcohol to minors. The measure authorizes the courts to suspend a minor’s driver’s license for up to six months if convicted of an illegal alcohol purchase. The courts will also be allowed to determine if the minor needs to participate in an alcohol treatment program.

In addition, a new law passed in 1999 encourages merchants and bar owners to employ new technological devices that scan driver licenses and can detect forged or altered information. Together with recently strengthened penalties, this new law will help put a stop to alcohol sales to underage youths.
Prompt Suspension of a Drunk Driver’s License
Chapter 312, Laws of 1994, A.1906-b/S.5679-a

New York’s Vehicle and Traffic Law mandates a minimum six-month revocation of a driver’s license the first time a person is convicted of DWI — and a minimum one year revocation for second and subsequent convictions in a 10-year period.

The Prompt Suspension Law requires courts, at arraignment, to suspend the driver’s license of anyone arrested for DWI having a blood alcohol concentration of .10% or more at the time of arrest. Prior to this law, despite New York’s tough DWI laws, drunk drivers still had the opportunity to continue driving — and drinking — during the period between arrest and conviction.

Defendants participating in an alcohol or drug rehabilitation program can obtain a conditional license 30 days after that initial suspension. “Extreme hardship” cases may also be entitled to receive a court ordered license before the time they are convicted and sentenced.

This measure was a top priority for advocacy groups concerned about the problems of drinking and driving, including Mothers Against Drunk Driving (MADD).

DWAI Becomes a Misdemeanor
Chapter 75, Laws of 1994, A.1257-A/S.469-A

This law elevates a conviction for driving while ability impaired by alcohol (DWAI) from a traffic infraction to a misdemeanor in those cases where the DWAI operator has two or more prior alcohol- or drug-related driving convictions within ten years.

Before the enactment of this law, a person could be repeatedly convicted of DWAI and still be guilty of only a traffic infraction. This measure doubles the maximum imprisonment from 90 to 180 days, and imposes a six-month license revocation for the new DWAI misdemeanor offense.
Finding effective ways to keep drunk drivers off the road is essential in curbing DWI cases. The Ignition Interlock Program is a prime example of this strategy. An “ignition interlock” device requires a driver to blow into an alcohol sensor before starting his or her automobile. If the sensor detects alcohol, the car will not start.

We passed a law in 1995 allowing judges to require the installation of an ignition interlock device as part of a drunk driver’s sentence. In 1998 we made that law even stronger, by clarifying that an ignition interlock order issued as part of a probation sentence may be noted on an offender’s drivers license.

Previously, while it was unlawful to drink alcohol in a motor vehicle, the penalty was restricted to cases where actual consumption could be proven. To help make sure drunk drivers are stopped, we passed a law creating a new offense of possession of an open container of alcohol in a motor vehicle with the intent to consume. This law eliminates a loophole that let drunk drivers off the hook and onto our roads.

This statute toughens the sentencing on DWI convictions to a Class D felony punishable by up to 7 years in prison if the defendant has been convicted of DWI, Vehicular Assault (1st or 2nd Degree) or Vehicular Manslaughter (1st or 2nd Degree) on two previous occasions within the preceding 10 years.

Previously, a third DWI conviction within a ten year period would only be considered a Class E felony.
Stopping Intoxicated School Bus Drivers
Chapter 26, Laws of 1996, A.6048-b/S.380

Parents have enough worries — their children’s safety on the school bus should not be among them. This 1996 law was designed to reduce incidents of drunk and drug-impaired driving by New York school bus drivers.

Penalties have been increased from a traffic infraction to a misdemeanor for those operating a school bus while their ability is impaired by alcohol.

Under this new law, the penalty for driving a school bus while legally drunk or drug impaired has been increased from a misdemeanor to a Class E felony.

Vehicular Assault/Manslaughter: Out-of-State Convictions
Chapter 528, Laws of 1996, A.8983/S.6630

When sentencing a defendant in Vehicular Assault and Manslaughter cases, judges used to consider records of out-of-state DWI/DWAI convictions less seriously than in-state violations. This law closes this loophole by making sure all violations carry equal weight regardless of where the offense took place.

Putting a Stop to Speeding in School Zones
Chapter 484, Laws of 1999, A.8257-c/S.4642-b

Parents must have every assurance that their children are safe on or around school grounds. To help ensure that safety, the Assembly passed a law doubling the penalty for speeding in a school zone between 7 a.m. and 6 p.m. on school days. School zone speeders will face a fine of up to $800 and two additional points on their license. Negligent drivers who would endanger the lives of innocent children deserve the strongest penalties possible — and the Assembly’s new law provides those penalties.

Extending New York City’s “Red Light Camera Program”
Chapter 503, Laws of 1999, A.2076/S.1533-b

Since its inception in 1993, New York City’s pilot “Red Light Camera Program” has been an effective traffic safety initiative. The trial program — which called for the installation and operation of cameras to photograph vehicles that run red lights at certain intersections — was extended for five additional years by a law enacted this year.
The “Red Light Camera Program” has played an integral role in the City’s traffic safety, with each camera recording an average of 22 violations per day. Since the cameras were installed, red light violations at the trial intersections have fallen 41%. It’s clear that extending this effective tool will go a long way toward preventing accidents and making our streets safer.

- **Allowing New York City to Lower Its Speed Limits**  
  *Chapter 412, Laws of 1999, A.3896/S.1048*

  Over 200 pedestrians are killed and 12,000 are injured each year in New York City. But city planners have had a difficult time implementing traffic calming initiatives because state law prohibited setting area-wide speed limits below 30 miles-per-hour and street-specific speed limits below 25 miles-per-hour.

  In an effort to encourage the development of safety devices like speed bumps, raised crosswalks and sidewalk extensions, the Assembly passed a law allowing the City to set speed limits below 25 miles-per-hour on specific streets in which traffic calming measures are installed. This will permit the Department of Transportation to save lives of pedestrians and motorists and improve overall public safety.

- **Increasing Penalties for Illegal Operation of a Commercial Motor Vehicle**  
  *Chapter 412, Laws of 1999, A.9017/S.6107*

  Large commercial vehicles that are not in compliance with the law pose a particular hazard to our roadways. That’s why the Assembly passed a measure imposing a fine of $2,500 to $10,000 for operating a commercial motor vehicle which has been placed out of service in violation of rules and regulations of the state Department of Transportation.

- **Cracking Down on Unscrupulous Driving Schools**  
  *Chapter 247, Laws of 1999, A.8050/S.4406*

  To make our roads and highways safer and protect consumers, the Assembly passed a law increasing the penalties for driving schools that violate our vehicle and traffic laws. Driving schools in violation of the law will face up to $500 in fines and temporary license suspension. The law also increases the fine for operating an unlicensed driving school to $1,000.
Stopping Auto-Stripping and “Chop Shops”  
*Chapter 494, Laws of 1996, S.4216-b/A. Reprint #30017*

Auto-stripping is typically practiced in stolen car “chop-shops” where vehicles are stripped for parts and then resold. Increasing criminal penalties for these activities should help police in combating auto-theft. Under this law, prison terms increase with the number and value of cars involved.

Highway Work Zone Safety  
*Chapter 446, Laws of 1995, A.5045-a/S.4051-a*

In 1992, the NYS Department of Motor Vehicles reported 1,253 motor vehicle accidents in highway work areas — causing six deaths and 1,192 injuries among highway workers.

This law doubles the fines imposed for exceeding the speed limit posted in areas of highway construction or repair. The fines are: 10 mph or less above speed limit: $60-$100; 11-30 mph: $120-$200; 31 or more mph: $240-$400.

Zero Tolerance for Boating While Intoxicated  
*Chapter 391, Laws of 1998, A.2112-c/S.2640-b*

Similar to the Zero Tolerance law for drinking and driving, this measure saves lives by punishing people under 21 who operate a boat, jet ski or personal watercraft under the influence of alcohol. Violations of this law will bring strict fines and suspension of the offender’s boating license. Continual violations of the law will bring stronger fines and possible imprisonment.

Stopping Snowmobiling While Intoxicated  
*Chapter 629, Laws of 1998, A.9532-b/S.6444-b*

Any alcohol-related activity that threatens the safety of our families must be stopped. That’s why we passed a law increasing penalties for operating a snowmobile under the influence of alcohol or drugs. Operating a snowmobile while intoxicated will bring up to a year in jail, and even more time if it’s a repeat offense. Lawbreakers will also see their licenses revoked for up to two years.
Defendants accused of crimes are prosecuted under the rules specified in the criminal procedure law. While many of these rules are necessary for the justice system to function, some rules have impeded effective criminal prosecutions with unjustified loopholes. The Assembly has enacted laws to change the criminal procedure law and provide for more effective criminal prosecution.

### Speedy Trial

*Chapter 631, Laws of 1996, A.11151-a/S.7933*

This law closes a loophole in the Speedy Trial statute that allowed defendants to profit from not showing up in court. Ironically, the provision stipulated that a prosecutor was required to use “due diligence” in finding no-show defendants. Where a defendant did not appear in court as required and the prosecution could not show they had exercised due diligence to find the defendant, the case against the defendant would be dismissed. This allowed criminals to profit from their own wrongdoing.

Under this law, the prosecution will no longer be required to show due diligence when a defendant does not appear in court as scheduled. The cases against these defendants will be continued and defendants may then be prosecuted both for their original crimes and for their failure to appear in court as required.

### Alternate Jurors & Verdict Sheets

*Chapter 630, Laws of 1996, A.11155-a/S.7929*

**Alternate Jurors**

Dismissing late or missing jurors can pose tremendous dilemmas for judges because, in the past, this has resulted in voided convictions. This law provides that judges can dismiss jurors who don’t appear within two hours of their scheduled time, therefore avoiding conviction reversals and making court proceedings more efficient.

**Verdict Sheets**

The law also allows the courts to include certain written information on verdict sheets to assist jurors. Prior to this measure, convictions had been overturned because of such notations.
Allowing Faxed Documents in the Grand Jury

Chapter 360, Laws of 1998, A.1829-a/S.1189-a

To ease the burden on both prosecutors and crime victims, we passed a law allowing faxed witness statements in certain grand jury proceedings. While the original statement must still be filed with the appropriate court, this will make the prosecutions quicker and more efficient.

Allowing Electronic Court Appearances

Chapter 605, Laws of 1998, A.11056-a/S.6704-a
Chapter 430, Laws of 1998, A.8704-a/S.5976
Chapter 177, Laws of 1998, A.8820/S.6173
Chapter 430, Laws of 1999, A.7420-a/S.3989
Chapter 426, Laws of 1999, A.6925/S.3163

Transporting a prisoner to court for routine appearances can involve significant travel and staff costs in many areas of the state. To cut down on the expense and hassle, we passed a law allowing defendants to appear before the court via closed-circuit television. After trying the program out in a number of counties around the state and achieving success, we extended it so even more regions can take advantage of this cost-cutting and timesaving measure.
Other Initiatives

■ Assisted Outpatient Treatment Program
  Chapter 408, Laws of 1999, A.8477/S.5762-a

This law came about as a result of the tragic death of Kendra Webdale, who was killed after allegedly being pushed in front of a New York City subway train by a diagnosed schizophrenic. The law authorizes family members and caregivers, with the support of a physician, to obtain a court order to ensure that a mentally ill person follows his or her prescribed treatment plan. If the mentally ill person violates the court order by not adhering to the prescribed treatment plan, he or she can then be held for a 72-hour emergency evaluation to determine if there is a need for more serious intervention.

This effective tool will help ensure that individuals with mental illness do not become a threat to themselves or their communities.

■ The Organized Crime Corruption Act
  Chapter 401, Laws of 1995, A.1774/S.2671

This law facilitates the prosecution of sophisticated money-laundering operations. In recent years, these criminals have become increasingly adept at concealing the proceeds of their illegal conduct.

The law adds “money laundering” to the list of offenses that can lead to an enterprise corruption prosecution, bringing the full force of organized crime statutes to bear against these criminals.

■ Reimbursement for Extradition Expenses
  Chapter 193, Laws of 1995, A.296-a/S.205-a

The cost of returning an accused defendant or escaped prisoner who is arrested out-of-state is sometimes substantial. This law authorizes a county, the state Department of Correctional Services and state Division of Parole to collect the expenses associated with extradition from the person who is extradited.
Fingerprinting and Licensing Currency Processors

Chapter 557, Laws of 1997, S.5742/A.4492
Chapter 402, Laws of 1998, A.8148-d/S.5122-d

Armored car carriers and coin processing firms handle large amounts of money and make a valuable contribution to New York’s commerce. To make sure these firms and individuals are on the up-and-up, we passed a law calling for the fingerprinting and licensing of anyone involved in this practice. Licenses will be denied to untrustworthy firms, and will be suspended or revoked for unlawful conduct.

Felony Charges for Child Support Dodgers

Chapter 397, Laws of 1997, A.867/S.5356-a
Chapter 398, Laws of 1997, A.8657/S.5771
Chapter 140, Laws of 1999, A.7699/S.5871

We must not tolerate deadbeat parents who refuse to pay child support. That’s why the Assembly passed a law increasing the penalties for deadbeat parents. Under the law, when people able to pay court-ordered child support payments fail to do so for the second time, they are committing a felony, punishable by up to four years in prison.

In addition, the Assembly strengthened a law allowing a person’s driver, professional, and recreational licenses to be suspended if the individual fails to pay child support.

Expanding Background Checks to Include FBI Information

Chapter 584, Laws of 1997, A.4241-a/S.2593-a

To make sure officials conducting a criminal background check get more comprehensive information, the Assembly passed a law ensuring that certain criminal background checks already required by law include a Federal Bureau of Investigation (FBI) review of the applicant.
Designating Additional Peace Officers
Chapter 378, Laws of 1997, A.7794/S.5265
Chapter 549, Laws of 1997, A.3391/S.2152
Chapter 562, Laws of 1997, A.4358-a/S.2655-a

Police officers risk their lives every day to keep crime from invading our communities. To aid police officers, the Assembly passed a law granting Peace Officer status to Amityville court officers, Batavia Veterans’ Administration Medical Center federal police, Smithtown fire marshals, and Yates County marine patrol officers. These peace officers have the power to assist police in carrying out search warrants, aiding arrests and protecting public safety.

Punishing Environmental Crimes
Chapter 26, Laws of 1998, A.1624/S.6216

To make it easier to punish environmental offenders who put our families’ health and safety at risk, we passed a measure strengthening statutory language in the crimes of Endangering Public Health, Safety or the Environment, in the Environmental Conservation Law.

Revoking the Licenses of Dangerous Security Guards
Chapter 296, Laws of 1998, A.8329-a/S.4432-a

We place our trust in security guards, and we must do all we can to make sure they are trustworthy. That’s why we passed a law taking a security guard’s license away if he or she is convicted of a serious criminal offense.

Empowering SUNY Police Officials
Chapter 424, Laws of 1998, A.7647-b/S.4595-a

We passed a law giving State University public safety officers “police” status. Allowing SUNY police to execute warrants, make arrests on and off campus, and better enforce the law, will improve the health and safety of our students.