



Legislation Text

File #: Res 1318-2012, **Version:** *

Res. No. 1318

Resolution in support of S.2000, which would amend the Criminal Procedure Law in order to limit plea bargains for individuals charged with a sex offense felony or a specified felony offense, and calling on the Assembly to pass a companion bill, and on the Governor to sign such legislation.

By Council Members Vallone, Koo, Vacca, Oddo and Ulrich

Whereas, The New York State Sex Offender Registration Act specifies that if an individual is convicted of a crime classified as a sex offense, or an attempt to commit a sex offense, he or she must register as a sex offender with the Division of Criminal Justice Services (DCJS); and

Whereas, Pursuant to the Sex Offender Registration Act, DCJS maintains a Sex Offender Registry, which is available online; and

Whereas, Sex offenders are classified according to their risk of re-offending: a Level 1 means low risk, a Level 2 means moderate risk and a Level 3 means high risk; and

Whereas, The website, however, provides information only on those offenders classified as Level 2 or Level 3; and

Whereas, The Sex Offender Registration Act was enacted because it has been proven that sex offenders are more likely to repeat their crimes than any other offenders; and

Whereas, It is, therefore, necessary to allow community members the opportunity to be forewarned of the presence of sex offenders in their area and online sex offender registries provide community members with a fast and easy method of doing so; and

Whereas, Despite these benefits to the community, not all defendants who are charged with a sex offense will be convicted as sex offenders; and

Whereas, In fact, as part of the criminal justice system, whenever the indictment charges two or more separate counts, a defendant may accept a plea to any charge in full satisfaction of all charges; and

Whereas, For example, an individual may be charged with burglary and rape, the latter being a sex offense, however, the defendant may be presented with the option to plead guilty to the burglary charge with the incentive that the rape charge would be dropped; and

Whereas, Under this example, since the sex offense charge was dropped, that individual would not become registered as a sex offender because the individual was not convicted of a sex offense; and

Whereas, New York State needs to limit plea bargains for those individuals who are charged with at least one offense that is classified as a sex offense; and

Whereas, Senator Dean Skelos introduced S.2000, which would amend the Criminal Procedure Law by limiting plea bargains for individuals charged with a sex offense; and

Whereas, S. 2000 would amend plea bargain laws relating to cases in which a defendant is charged with a sex offense felony or a specified felony, to require that any plea of guilty in those cases include a plea of guilty to a sex offense, which would trigger the defendant's classification as a sex offender; and

Whereas, S.2000 would allow the district attorney the option to review the case and to determine whether such charge is appropriate, and if the district attorney deems it is not, he or she may allow a disposition by plea of guilty to another charge; and

Whereas, The New York State Legislature should act swiftly on this bill in order to ensure that those charged with a sex offense do not avoid becoming classified as a sex offender by simply accepting a plea bargain that essentially hides their alleged sex offense behind another crime; and

Whereas, By passing this legislation the New York State Legislature would require that all sex offense convictions be properly resolved so that the legislative intent of the Sex Offender Registration Act remains intact; now, therefore, be it

Resolved, That the Council of the City of New York supports S.2000, which would amend the Criminal

Procedure Law in order to limit plea bargains for individuals charged with a sex offense felony or a specified felony offense, and calls on the Assembly to pass a companion bill, and on the Governor to sign such legislation.

SA
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