



Legislation Details (With Text)

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Res. No. 300

Resolution urging the New York State Legislature to classify certain sexual assaults as class A felonies.

By Council Members Vallone Jr., Gennaro, Mendez, Nelson, Palma, Recchia Jr., White Jr., Liu, and Oddo

Whereas, In New York State, felony sexual assaults-including the most egregious sex offenses-are class B felonies that carry a maximum sentence of 25 years in prison and are subject to a statute of limitations of five years, which can be extended to ten years in those cases where the identity or whereabouts of the defendant are unknown; and

Whereas, DNA evidence from a Manhattan rape that occurred in 1973 led to the conviction of Clarence Williams in November 2005 for Rape in the First Degree and Robbery in the First Degree, for which he faced a maximum 25-year prison term on each count, and was ultimately sentenced to 46 years in prison; when Williams was extradited to New York and his image was publicized in 2005, other women recognized him as the perpetrator who sexually assaulted them, but because of the statute of limitations in New York State, Williams could not be prosecuted for any of those crimes, and could only be prosecuted for the 1973 Manhattan

rape because he fled the jurisdiction after being charged with that crime; Williams was also linked to 24 other rapes in Maryland and New Jersey through the DNA database system, and fortunately for the survivors of those crimes, neither Maryland nor New Jersey bars his prosecution under statutes of limitations; and

Whereas, With the evolution of DNA technology and its importance to the administration of criminal justice, there is no rationale for violent offenders to escape justice; defendants charged with committing such predatory crimes should face increased prison terms, with the possibility of lifetime supervision by parole, given the reported high rate of recidivism by convicted sex offenders released into society; and

Whereas, Legislation is needed that raises the status of certain sexual assault crimes to the most serious class of felonies-class A felonies-which include murder, arson, and kidnapping; the most serious sexual assaults should become A-II felonies, eliminating the statute of limitations for these sex offenses and carrying a sentence with a mandatory maximum of life imprisonment; and

Whereas, Rape and sexual assault have a lifelong impact on victims, and perpetrators of these heinous crimes should be subject to prosecution for life as well; passing legislation to increase the punishment in serious sexual assaults and abolish the statute of limitations in violent sexual assaults is a significant and progressive action; now, therefore, be it

Resolved, That the Council of the city of New York urges the New York State Legislature to classify certain sexual assaults as class A felonies.

JPV
LS# 237
3/15/06