



Legislation Text

File #: Res 1713-2013, **Version:** *

Res. No. 1713

Resolution calling upon the New York State Assembly and New York State Senate to pass and the Governor to sign A.3339, which would amend the New York State Penal Law to redefine rape as criminal sexual conduct.

By Council Members Ferreras, Vallone, Nelson, Barron, Chin, Comrie, Dickens, James, King, Koo, Koppell, Koslowitz, Mark-Viverito, Palma, Recchia, Rose, Van Bramer and Williams

Whereas, In March, 2012 former New York City police officer Michael Pena was convicted of 3 counts of predatory sexual assault and 3 counts of related charges for his August, 2011 sexual attack against a Bronx schoolteacher, at gunpoint; and

Whereas, In May, 2012 Pena was sentenced to 75 years in prison for his heinous sexual attack; and

Whereas, Although Pena was convicted on predatory sexual assault and related charges, a mistrial was declared on the charge of rape, despite the fact that the victim reportedly testified that Pena raped her at gunpoint and threatened to shoot her in the face if she opened her eyes or made any noise, and an eyewitness reportedly testified that he saw Pena appearing to engage in sexual intercourse with the victim; and

Whereas, In June, 2012 Pena reportedly pled guilty to two counts of rape and two additional counts of predatory sexual assault and was sentenced to 10 years to life in prison; and

Whereas, If Pena hadn't pled guilty, it would have been difficult to convict Pena of rape; and

Whereas, Currently under New York State law, garnering a conviction on a rape charge requires proving sexual intercourse, which is an inherently difficult thing to prove; and

Whereas, Many New Yorkers, including the victims of sexual attacks, believe that failure to prove sexual intercourse beyond a reasonable doubt does not lessen the heinous nature of the sexual attack, such as existed in this case, nor should the prosecution be required to prove sexual intercourse in a case like this; and

Whereas, A.3339 expands the definition of rape by redefining rape to include oral sexual conduct, anal sexual conduct, or aggravated sexual contact, in addition to sexual intercourse; and

Whereas, A.3339 would provide greater protection to the public and punish those who perpetrate these crimes; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Assembly and New York State Senate to pass and the Governor to sign A.3339, which would amend the New York State Penal Law to redefine rape as criminal sexual conduct.

AM
LS #3526
3/7/2013