



Legislation Text

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Res. No. 77

Resolution calling upon the New York State Legislature to eliminate the statute of limitation for child abuse prosecution.

By Council Members Vallone Jr., Avella, Baez, Clarke, Felder, Foster, Jackson, Jennings, Katz, Liu, Nelson, Sears, Weprin, Yassky, Gallagher, Gentile, Gerson, Gioia, Sanders and Gennaro

Whereas, Under New York State Law, the prosecution for crimes related to sexual abuse of children must be commenced within five years of the date the child reaches age eighteen or the date the crime was reported to law enforcement, whichever comes first; and

Whereas, The New York State statute of limitation often prevents the prosecution of reported cases of sexual and other types of child abuse, even when evidence is overwhelmingly present, and therefore also deters already apprehensive victims from filing reports of abuse; and

Whereas, Taking into consideration that the number of child abuse cases that are reported are already very small in comparison to the estimated number of cases of abuse that are perpetrated every year, efforts must be made to ensure that child victims of abuse have access to the criminal justice system; and

Whereas, Although statutes of limitation serve to prevent evidence from becoming obscured with the passage of time, victims of abuse who are children often need such passage of time, even after they reach eighteen years of age, to be able to come to terms with the psychological trauma resulting from their abuse in order to be able to report the crime committed against them; and

Whereas, Delays in reporting child abuse are common due to widespread coping mechanisms of survivors such as memory gaps that can last for months or even years, protective denial, and feelings of shame and guilt; and

Whereas, Children who are abused or neglected are more likely to become criminal offenders themselves, perpetuating a cycle of violence that must be halted; and

Whereas, In the United States, roughly 20% of women and 5-10% of men were abused as children, which number has been steadily increasing; and

Whereas, The states of Kentucky, Maryland, North Carolina, South Carolina, Virginia, West Virginia, and Wyoming have already eliminated a statute of limitation for criminal felony prosecutions of offenses relating to child victims, and New York State should follow this example; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to eliminate the statute of limitation for child abuse prosecution.