



Legislation Text

File #: Res 0752-2007, **Version:** *

Res. No. 752

Resolution calling upon the New York State Legislature to amend the Penal Law to categorize the crime of public lewdness as a class A misdemeanor, and to amend the Correction Law to include multiple or serial acts of public lewdness and public lewdness in the presence of an individual less than eighteen years of age as registerable sex offenses.

By Council Members Vallone Jr., Avella, Gennaro, Gentile, Nelson, Recchia Jr. Sanders, Sears, Weprin and Liu

Whereas, According to the New York State Penal Law, “A person is guilty of public lewdness when he intentionally exposes the private or intimate parts of his body in a lewd manner or commits any other lewd act (a) in a public place, or (b) in private premises under circumstances in which he may readily be observed from either a public place or from other private premises, and with intent that he be so observed”; and

Whereas, Public lewdness is a problem throughout New York City, particularly acts directed at women and young children; and

Whereas, Last February, a man exposed himself to an 11-year-old girl and her 9-year-old cousins, a boy and a girl, outside of Public School 118, located at 109th Road and 190th Place in Hollis, Queens; less than two hours later, the same suspect abducted a 13-year-old girl nearby at the intersection of 110th Avenue and 195th Street and sexually assaulted her; and

Whereas, In the Borough Park section of Brooklyn, there were several public lewdness incidents in 2006; in April, three incidents in Borough Park and one incident in Elmhurst, Queens are linked to the same suspect who targeted preteen girls ranging from ages 10 to 12 while posing as a police officer and asking for directions, then exposing himself and attempting to lure the girls to his vehicle, where he molested a 10-year-old girl in Borough Park and a 12-year-old girl in Elmhurst; in June, a 41-year-old man from Borough Park was arrested and charged with public lewdness and endangering the welfare of a child after he exposed himself to a

9-year-old girl in the area; also in June, a 58-year-old man, who has a history of four public lewdness arrests and other charges since 1989, was suspected of loitering in Borough Park nude from the waist down, and in an attempt to evade responding police officers, the suspect sped off in a vehicle that collided with a livery cab, resulting in the death of the cab driver; and

Whereas, An off-duty school safety agent was arrested and arraigned on charges of public lewdness, harassment, and endangering the welfare of a child in May 2006 after he allegedly exposed himself to two 13-year-old girls near 131st Avenue and Springfield Boulevard, which is in close proximity to Intermediate School 59 in Springfield Gardens, Queens; in addition, a 30-year-old man from Bay Ridge, Brooklyn was arrested in July 2006 for exposing himself to three teenage girls ages 14 to 16 near Fort Hamilton High School; and

Whereas, There have been numerous instances of public lewdness in the New York City subway system aimed at women; in April 2006, a 43-year-old man, who was previously arrested for public lewdness in 1994 after exposing himself on a subway platform, was sentenced to two years of probation and ordered to undergo counseling after pleading guilty to public lewdness for having exposed himself on the R train in August 2005; in May 2006, a man exposed himself to a 22-year-old woman on the 7 train, and is also suspected of exposing himself to a 15-year-old girl on the 7 train in March; in October 2006, a 41-year-old man who is a registered Level 3 sex offender in California and has prior arrests for public lewdness, prostitution, and aggravated harassment, was charged with allegedly exposing himself to two women in August on the 6 train in Manhattan; at the time of his October arrest, the suspect was also awaiting trial on charges of public lewdness and endangering the welfare of a child after allegedly exposing himself to at least four other women in the subway ages 16 to 25 between March and May of that year; and

Whereas, The New York City Police Department, in response to increased harassment complaints by female subway riders, implemented Operation Exposure, which began in May 2006; the operation involved uniformed and plainclothes officers riding trains during rush hour and monitoring subway platforms to address public lewdness and similar crimes; as a result, 13 individuals ranging in age from 21 to 58 were arrested on

charges including public lewdness, sexual abuse, and forcible touching over a 36-hour period; and

Whereas, Currently, public lewdness is a class B misdemeanor, punishable by probation from one to three years, imprisonment up to three months, and/or a fine not exceeding five hundred dollars, all of which is minimal punishment for a criminal that is responsible for such enduring trauma; categorizing public lewdness as a class A misdemeanor would make the crime punishable by probation for three years, imprisonment up to one year, and/or a fine not exceeding one thousand dollars; and

Whereas, Under the New York State Sex Offender Registration Act, offenders who have been convicted numerous times for public lewdness, or who have been convicted for public lewdness in the presence of an individual less than eighteen years of age do not have to register as a sex offender; but in a number of cases concerning public lewdness, perpetrators reoffend by committing further acts of public lewdness or other serious sex offenses, and continue to plague society; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend the Penal Law to categorize the crime of public lewdness as a class A misdemeanor, and to amend the Correction Law to include multiple or serial acts of public lewdness and public lewdness in the presence of an individual less than eighteen years of age as registerable sex offenses.

JPV
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