



Legislation Text

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Res. No. 630

Resolution calling upon the New York State Legislature to amend the Penal Law to make serial acts of public lewdness a class A misdemeanor offense, and to amend the Correction Law to include public lewdness as a registerable sex offense.

By Council Members Vallone Jr., Gentile, James and Rodriguez

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 when directed at women and young children; and

Whereas, Currently, public lewdness is only a class B misdemeanor, punishable by probation from one to three years, imprisonment up to three months, and/or a fine of up to five hundred dollars, all of which is minimal punishment for a criminal who is responsible for such enduring trauma; and

Whereas, Categorizing serial acts of 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 of up to one thousand dollars; and

Whereas, Under the New York State Sex Offender Registration Act, offenders who have been convicted numerous times for public lewdness do not have to register as a sex offender; and

Whereas, Several bills pending in the New York State Legislature address the problem of public lewdness, including A.6864, sponsored by Assemblywoman Dede Scozzafava which would increase the

penalty for a second commission of public lewdness in a ten-year period to a class A misdemeanor and raise the penalty for any subsequent commission within the same ten-year period to a class E felony; and

Whereas, A.6864 would also require that a person convicted of public lewdness register with the New York State Sex Offender Registry unless a trial court determines that this punishment is disproportionate to the crime committed and/or the character of the guilty party; and

Whereas, If passed, A.6864 would bring the State in line with and even strengthen the public lewdness law in New York City, where the penalty for two or more such acts in a three-year period is already a class A misdemeanor; and

Whereas, Considering that perpetrators of public lewdness often reoffend by committing further acts of public lewdness or other serious sex offenses, it is imperative that the State Legislature take steps to protect New Yorkers from this unwelcome menace; 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 make serial acts of public lewdness a class A misdemeanor offense, and to amend the Correction Law to include public lewdness as a registerable sex offense.

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