S T A T E O F N E W Y O R K

4931

2009-2010 Regular Sessions

I N A S S E M B L Y

February 10, 2009

Introduced by M. of A. BRODSKY, LUPARDO, REILLY, ABBATE, EDDINGTON, WEISENBERG, P. RIVERA, DelMONTE, FIELDS, MARKEY, KOON, SCHROEDER, ENGLEBRIGHT, HOOPER, SPANO -- Multi-Sponsored by -- M. of A. BOYLAND, COLTON, GALEF, HIKIND, JOHN, PEOPLES, SEMINERIO, SWEENEY, WRIGHT -- read once and referred to the Committee on Codes

AN ACT to amend the criminal procedure law, in relation to removing plea bargaining for sex offenders

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative findings. The legislature finds and declares the following: (i) individuals charged with sex offenses under the current law may be allowed to plea bargain down to a lesser included crime or lesser crime; (ii) such plea bargaining can result in individuals charged with simultaneous commission of burglary and rape, or sexual assaults against minors, or other horrific sex offenses being allowed to plead to the lesser accompanying crime of burglary, or to a lesser included crime; (iii) such practice of plea bargaining allows sex offenders to escape from being charged with a sex offense, which would require them to register as a sex offender under New York's Megan's Law; (iv) such unregistered sex offenders cannot be found in the sex offender registry by concerned citizens, and local law enforcement is not notified of such offenders' whereabouts; (v) therefore, the intent of this bill is to eliminate the practice of plea bargaining of sex offenses to non-sex offenses.

S 2. Subdivision 5 of section 220.10 of the criminal procedure law is amended by adding a new paragraph (i) to read as follows:

(I) WHERE THE INDICTMENT CHARGES A FELONY CONTAINED IN ARTICLE ONE HUNDRED THIRTY, OR SECTION 255.25, OR ARTICLE TWO HUNDRED SIXTY-THREE OF THE PENAL LAW, OR ANY OTHER FELONY DEFINED AS A "SEX OFFENSE" IN SECTION ONE HUNDRED SIXTY-EIGHT-A OF THE CORRECTION LAW, THE DISTRICT ATTORNEY SHALL NOT BE AUTHORIZED TO ACCEPT ANY PLEA OF GUILTY TO A LESSER INCLUDED CHARGE OR TO ONE OR MORE CHARGES IN RETURN FOR DISMISSAL OF ANY REMAINING CHARGES WITHIN SUCH CATEGORIES.

S 3. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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