

**Supporting New York State Assembly Bill No. A06864 – Amending
The Penal Law And The Correction Law, In Relation To The
Sanctions For Repeat Offenses Of The Crime Of Public Lewdness**

The Criminal Justice and Safety Committee (Chairman Dart and Legislators Briggs, Richard Parete, Zimet, Hansut, Maloney and Ronk) and Legislators Aiello, Bischoff, Cahill, Cummings, Decker, Donaldson, Fabiano, Felicello, Gerentine, Gregorius, Harris, Hochberg, Lomita, Loughran, Noonan, Robert Parete, Petit, Provenzano, Roberti, Roberts, Rodriguez, Sheeley, Stoeckeler, Terpening, and Terrizzi offer the following:

WHEREAS, the purpose of New York State Assembly Bill No. A06864 is to increase the penalty upon the second and subsequent convictions of public lewdness committed within a ten year period, making the crime of public lewdness a registerable offense under the Sex Offender Registration Act, and

WHEREAS, under the current law, the penalty for the crime of public lewdness is a class B misdemeanor; there is no provision which elevates the penalty upon conviction of subsequent offenses; and in addition, there is no provision requiring a person convicted of the crime of public lewdness to register under the Sex Offender Registration Act, and

WHEREAS, public lewdness is arguably one of the most common crimes for which offenders recidivate; it is also a crime most resistive to rehabilitative efforts; and it is imperative that more stringent sanctions be available to protect a most vulnerable population, as many offenders in this category, if not interrupted, go on to commit more serious sexual assaults, and

WHEREAS, New York State Assembly Bill No. A06864 would provide for Megan's Law registration upon a public lewdness conviction; it allows a person convicted of this crime the opportunity to make a motion to the Court where the judge would analyze the nature and circumstances of the crime and the history and character of the defendant and determine if registering the defendant as a sex offender under Megan's Law is unduly harsh or inappropriate, and

WHEREAS, the Ulster County Legislature strongly agrees with increasing the penalty upon the second and subsequent convictions of public lewdness committed within a ten year period, making the crime of public lewdness a registerable offense under the Sex Offender Registration Act, thereby protecting all residents of Ulster County, now, therefore, be it

RESOLVED, that the Ulster County Legislature supports New York State Assembly Bill No. A06864, amending the penal law and the correction law, in relation to the sanctions for repeat offenses of the crime of public lewdness, and, be it further

Resolution No. 266 September 9, 2009

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RESOLVED, that the Clerk of the Ulster County Legislature shall forward copies of this resolution to Governor David Paterson, Assembly Speaker Sheldon Silver, Assembly Majority Leader Ron Canestrari, Assembly Minority Leader Brian M. Kolb, New York State Assemblymen Kevin A. Cahill, Clifford W. Crouch, Peter Lopez and Frank K. Skartados and the New York State Association of Counties,

and move its adoption.

ADOPTED BY THE FOLLOWING VOTE:

AYES: 29 NOES: 0
(Absent: Legislators Aiello, Decker, Felicello and
Shapiro)

FINANCIAL IMPACT:
NONE

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