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For Immediate Release

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Today the New York State Law Enforcement Council (LEC) unveiled its legislative agenda for 2010. The legislative priorities are 1) expanding the state DNA databank to include all crimes on arrest, 2) curbing gang violence through the creation of appropriate penalties, 3) requiring that all new semi-automatic weapons be equipped with microstamping technology, 4) safeguarding our children through a felony endangerment law that applies when a person in a position of trust inflicts serious or repeated abuse on a child, 5) modernizing the identity theft laws to provide penalties that are similar to other crimes, such as larceny, and 6) enhancing protections for police officers.

Bronx County District Attorney Robert T. Johnson, the new counsel to the LEC, said, "I would like to thank District Attorney Morgenthau for his service as counsel for the Law Enforcement Council. I look forward to working with this organization in the future. These legislative priorities represent issues that New York's law enforcement community agrees are paramount to protect the public and safeguard New York's finest."

Newly-elected New York County District Attorney Cyrus R. Vance, Jr., said, "I am proud that my office continues to coordinate the Law Enforcement Council in these important endeavors. The broad range of issues that the Council addresses, from DNA expansion to comprehensive identity theft legislation, evidences the enormity of the work that the member agencies undertake to reduce crime and ensure that our communities remain vibrant."

The Law Enforcement Council is mindful of the budgetary constraints that the state is operating within and has developed these legislative priorities such that they do not create a financial burden for the state, and in the long run are cost-savers.

## *DNA Database*

DNA is the modern-day fingerprint; crimes are solved by matching DNA recovered at a crime scene to DNA taken from a known individual. Yet while fingerprints are taken from all suspects on arrest, DNA can only be collected for a specific subset of crimes -- and not until after conviction. Expanding the DNA databank to include DNA samples from suspects of all crimes

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CITIZENS CRIME COMMISSION OF NEW YORK CITY  
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at the time of arrest serves two critical purposes. First, it helps pinpoint suspects, reducing false leads and saving critical, limited resources. Second, it helps eliminate mistaken identification and speeds the exoneration of wrongfully implicated individuals.

### *Gangs*

Once considered a problem of inner cities, gangs have expanded into suburban and even rural areas. Although the nature of gangs in different parts of the state is not uniform, the violence, harassment, and intimidation that they inflict on communities is the same. New York needs to enact legislation that defines gang, creates aggravated penalties for gang violence, protects witnesses from intimidation and physical harm, and creates penalties that deter and punish chronic offenders.

### *Microstamping*

Microstamping is an inexpensive tool that will help law enforcement solve and deter gun crimes. By etching a code onto the firing pin and barrel of a semi-automatic pistol, microstamping provides an easy-to-follow trail back to the purchaser of the weapon. The Law Enforcement Council supports the requirement that all semi-automatic pistols manufactured by, or delivered to, any licensed firearms dealer in New York State be capable of microstamping.

### *Child Endangerment*

New York State does not have adequate child protection laws. Police and prosecutors must work within the confines of the assault statutes when they are trying to hold abusers accountable. Under those statutes, prosecutors must prove the intentional infliction of serious physical injury or prove the use of a dangerous weapon. In most cases of child abuse, particularly in the earlier stages of abuse, the actions either don't result in a telltale physical injury or it is difficult to prove that the act was undertaken intentionally, rather than recklessly. In many of these cases, children may be put in danger through abandonment or neglect or subjected to other physical or emotional cruelties that do not fall under the Penal Law definition of "physical injury." Moreover, hands, fists, and feet don't qualify as "weapons" under the penal law definitions so the abuse inflicted by hitting, kicking, or punching frequently falls through the gap in the law.

The class E felony, Aggravated Endangering the Welfare of a Child, proposed by the Law Enforcement Council would penalize a person in a position of trust who knowingly acts in a way likely to be injurious to the child's physical, mental, or emotional welfare. The charge requires one of two aggravating factors be present: the offender has previously been convicted of a crime in which the victim was a minor, or the conduct includes acts that cause the child extreme pain or which are carried out in an especially vicious or sadistic manner.

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## *Identity Theft*

In 2008, the New York State Legislature passed a set of measures designed to provide consumer protection for New Yorkers targeted by identity thieves. The Law Enforcement Council now asks the Legislature to enact laws that will help deter -- and effectively prosecute -- identity thieves. Some of the enhancements to the identity theft laws include:

- Enhancing penalties for Identity Theft and Unlawful Possession of Personal Identification Information by creating B and C felonies for these crimes based on the dollar-value of the theft/fraud and the number of victims affected.
- Expanding jurisdiction for crimes committed in connection with identity theft, such as Grand Larceny, Forgery, Criminal Possession of a Forged Instrument, and Criminal Possession of Stolen Property.
- Including Identity Theft and Unlawful Possession of Personal Identification Information as predicate crimes for Enterprise Corruption prosecutions.

## *Police Protection*

Police officers knowingly put themselves in physical danger every day. And when suspects intentionally disobey the lawful commands of an officer or subject officers to unwanted physical contact, there are often serious ramifications to public safety. Yet, in those situations prosecutors may not have the appropriate laws needed to prosecute offenders. The Law Enforcement Council supports penalties for individuals who fail to heed or obey a police officer's lawful command; subject police officers to unwanted physical contact while they are performing their official duties; or attempt, while driving, to elude a police officer's order to pull over and comply.

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The New York State Law Enforcement Council was formed in 1982 as a legislative advocate for New York's law enforcement community. The council's members represent the leading law enforcement professionals throughout the state, including the Attorney General of the State of New York, the District Attorneys Association of the State of New York, the New York State Association of Chiefs of Police, the New York State Sheriffs' Association, the New York City Criminal Justice Coordinator, and the Citizens Crime Commission of New York City. Since its inception, the council has been an active voice and participant in improving the quality of justice and in the continuing efforts to provide for a safer New York.

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