



ONE HOGAN PLACE NEW YORK, NY 10013 (212) 335-8927, FAX (212) 335-3808

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Contact: Leroy Frazer
212-335-8927

The New York State Law Enforcement Council (LEC) today issued its legislative agenda for 2007. The LEC's priorities include proposals aimed at streamlining grand jury procedures; protecting victims of cyber-stalking; enhancing penalties for gang-related crimes and witness intimidation; creating a felony-level statute to better protect child abuse victims; and creating a higher-level felony that addresses large-scale marijuana traffickers without affecting low-level dealers and users. As in the past, the LEC also continues to push for an expansion of the statewide DNA Identification Index to include all crimes.

Business Records in the Grand Jury:

The Law Enforcement Council supports a practical and cost-effective change to the Criminal Procedure Law that eliminates wasteful and outdated grand jury procedures and would significantly improve the prosecution of many cases, including those involving identity theft, consumer fraud, insurance fraud, trademark counterfeiting, child pornography, and even sexual assault. Making business records admissible in the grand jury when accompanied by a sworn statement attesting to the authenticity of the records would result in savings to local governments and local and national businesses without compromising the rights of any defendants.

Electronic Stalking:

Electronic stalking is the use of the internet or other electronic means to disseminate, for no legitimate purpose, personal identifying information about another person. This conduct, which often occurs in the context of domestic or other personal relationships, is not adequately addressed by current laws. A single communication could cause the victim to legitimately fear for his or her safety and expose him or her to actual risk of injury, kidnapping, or rape. The Law Enforcement Council supports the creation of felony-level crimes for electronic stalkers who expose their victims to the risk of physical injury or other substantial harm.

Gang Prosecutions:

The Law Enforcement Council supports increasing the penalties for gang-related crimes and for witness intimidation. Not only are gangs known to recruit among vulnerable youths and to contribute heavily to drug and gun crime, but they also terrify communities and escalate violence in a costly and senseless manner. Additionally, the council calls for adequate funding

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Andrew M. Cuomo

CRIMINAL JUSTICE COORDINATOR
OF THE CITY OF NEW YORK
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NEW YORK STATE SHERIFFS' ASSOCIATION
Peter Kehoe, Executive Director
Christopher O'Brien, Deputy Executive Director

CITIZENS CRIME COMMISSION OF NEW YORK CITY
Richard Ahorn, President

COUNSEL
Robert M. Morgenthau, District Attorney
New York County

COORDINATOR
Leroy Frazer, Jr.
Office of the District Attorney
New York County

for witness protection and long-term investigations, two critical elements of the law enforcement strategy against gangs.

Felony Endangering the Welfare of a Child:

The Law Enforcement Council also proposes creating a felony for serious cases of abandonment, neglect, and physical or emotional cruelty that currently can only be prosecuted as misdemeanors. Extreme behavior of these sorts often causes significant suffering or danger to the child without rising to the level of felony assault. The proposed felony would apply only to a person legally responsible for the care of the child, in recognition of the increased danger and isolation faced by a child when his or her abuser is the adult to whom the child would otherwise turn for help. By passing these new laws, New York would recognize the need for aggressive intervention in cases of child abuse to prevent escalation of abuse causing serious injury or death to the child.

Large-Scale Marijuana Dealing:

The Law Enforcement Council seeks to target those who treat marijuana as a business, making hefty profits by supplying New York's cities with large quantities of the drug. This proposal would create a class B felony for trafficking large amounts of marijuana, such as five times the amounts that would currently lead to a prosecution for Criminal Possession of Marijuana in the First Degree or Criminal Sale of Marijuana in the First Degree. Serious marijuana offenses would also be added to the Organized Crime Control Act in order to help dismantle sophisticated marijuana organizations and target marijuana dealers' money laundering activities.

The proposals are entirely consistent with New York's policies towards marijuana sale and use in small quantities. Low-level dealers and users would not be affected, and would continue to benefit from laws designed to offer marijuana users a second chance.

Expansion of the DNA Databank to Include All Crimes:

The Law Enforcement Council has supported an all-crimes databank for several years and continues to do so. Although the State DNA Identification Index was expanded in 2006 to include persons convicted of all felonies and several misdemeanors, over half of all offenders convicted of a Penal Law offense in New York State are still not required to provide a DNA sample. Increasing the range of convicted offender samples to include all persons convicted of a crime will enhance New York's ability to protect the innocent and solve past and future crimes.

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 New York State District Attorneys Association, 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.