

Child victims bill lacks backing

Queens assemblywoman's sex crime bill faces uphill battle in new GOP state Senate

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A bill that would create the New York Child Victims Act faces uncertainty in the current state legislative session.

After its champion, Assemblywoman Margaret Markey, a Queens Democrat, introduced the bill in the 2006-07 legislative sessions, it has seen many iterations and challenges.

The bill would eliminate the statute of limitations on civil and criminal cases of sex crimes against children in New York and provide a one-year window after the law took effect for victims to retroactively bring cases of alleged abuse no matter how long ago they occurred.

Markey is hopeful the Assembly will pass it early in the session, said her spokesman, Mike Armstrong. "Her commitment to the bill and its urgency is unwavering," he said.

While it has passed in the Assembly four times, the measure has failed to gain traction in the Republican-controlled state Senate, where it has been consistently blocked from coming to the floor for a vote.

Sen. Brad Hoylman, a Manhattan Democrat, sponsored the bill in the Senate.

"Perhaps it hasn't been a priority in other years," Hoylman said. But he noted, "There are institutional forces that opposed the legislation."

Citing cases at a New York City private school and elsewhere, Hoylman said, "I'm hopeful that revelations about the sexual abuse at the Horace Mann School and the institutional abuse across the country will help galvanize public support." This year, Armstrong said, there have been talks with Democrats and Republicans in the Senate and Markey is confident supporters have the votes.

The office of Republican state Senate Majority Leader Dean Skelos did not respond to requests for comment.

Sen. Jeffrey Klein, head of the Independent Democratic Conference, reversed his stance and now supports the bill. He said he is hopeful that it will pass in the Senate this year.

The Bronx Democrat opposed previous versions of the bill but said the "issues evolved" and he supports the bill in its current form after speaking with victims of childhood sexual abuse.

Klein said adding the elimination of the statute of limitations on civil and criminal cases for abusers was vital.

"If we're really going to send the message that this type of crime won't be tolerated," then it must target both civil and criminal cases, Klein said.

This session, the Republican majority in the Senate no longer needs its allegiance with Klein's IDC, giving it no say on which bills come to the floor for a vote.

Markey's spokesman said Klein's support is good, but it is too little, too late.

"He's the one that stood in the way last year," Armstrong said. "When Klein had a moment of real power, he did not support it."

Armstrong said momentum has been building. "There's new enthusiasm and the assemblywoman feels strongly that this is the year."

The bill faces forceful opposition from the Catholic Church and other religious institutions. One of the main criticisms is the one-year window, which retroactively allows prosecution and civil lawsuits for damages in child sexual abuse cases in which the statute of limitations may have expired.

"We continue to oppose that bill," said Dennis Poust, a spokesman for the New York State Catholic Conference. "We don't think it serves justice."

Many religious groups say the bill targets them, particularly with the inclusion of the one-year window. And because of a legal requirement that a notice of claim be filed against public agencies within 90 days, those public institutions would be exempt from the one-year window.

Poust said the Catholic Conference wants to see justice for victims, but litigation over decades-old child sexual abuse allegations serve no purpose. Memories fade over time, witnesses and alleged abusers die and evidence is lost, he said.

"It's certainly impossible to get to the truth," Poust said. "It has to be done within a reasonable amount of time."

Tina Weber, a Philadelphia attorney from Warren County who has represented adults in New York state who were sexually assaulted as children by priests, said the bill is common sense.

"The victims are the ones that have to continue to suffer," she said. "The limitation under the current statute is completely insufficient."

Weber said the one-year window is necessary because it takes time for victims of childhood sexual abuse to be prepared, emotionally and mentally, to come forward as adults.

"To be able to step forward before the age of 25 is almost impossible," she said. "You would think things get better, but they don't, they get worse."

Weber said that institutions such as the Catholic Church should have to answer for possible past abuse.

Going forward, Poust said the Catholic Conference supports eliminating the statute of limitations, but not the retroactive possibility for civil suits and criminal prosecution.

"We're hopeful that the Legislature will continue to see reason," he said.