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New York Lawmakers Could Reform Child Abuse Laws Similar to California Legislation (Reuters)

New York state lawmakers said the announcement on Wednesday that a former Syracuse University coach will not face sex abuse charges because the statute of limitations had run out could boost efforts to reform state child abuse laws.

One proposal would provide for the five-year statute of limitations to begin when victims turn 23, instead of age 18 as it now stands, said New York State Assemblywoman Margaret Markey. She introduced the proposal seven years ago after a constituent said he had long ago been abused by a priest but nothing could be done because of the statute of limitations. Her bill also would create a one-year window, beginning when the law takes effect, for victims to bring civil claims against alleged abusers for whom the statute of limitations has passed. Civil suits allow alleged victims to seek monetary damages but not prison time.

Since the Syracuse University scandal broke, Markey said her colleagues have been asking more about her proposal, which she said was modeled on **similar legislation in California**. Former Syracuse University basketball coach Bernie Fine has been accused by two men of fondling them as juveniles beginning as far back as the 1980s.

Investigators believe the accusations are true but Fine cannot be prosecuted under state law due to the statute of limitations, District Attorney William Fitzpatrick said. Fine has said the accusations are "patently false."

"We will be drawing attention to this because I see it as the only way to help the victims of **Syracuse and Brooklyn Poly Prep**," **Markey said, referring to claims that a football coach at the Brooklyn private school molested dozens of boys over 25 years. In 2005, a Poly Prep alumnus sued the school, but the case was thrown out because of the statute of limitations.** The coach accused of molesting the boys, Philip Foglietta, died in 1998. Last year, seven alumni filed a federal suit accusing the school of covering up the abuse for years.

"People should be up in arms about this, but I don't feel the rage," Markey said. "These victims deserve to be compensated."

Legislators said there has been some opposition to the civil window because it would allow anyone to bring a claim even if they were abused many decades previously. A related issue is the rights of the accused because, some argue, extending the statute of limitations too far would make it impossible to present an adequate defense.

The U.S. Supreme Court has ruled that criminal statutes of limitations cannot be changed retroactively but civil statutes can be altered, which her bill would do, Markey said.

Reforms adopted in Delaware in 2007 eliminated the civil statute of limitations on sexual abuse and allowed a two-year window for civil suits by victims for whom the statute of limitations had passed. Under the Delaware law, 14 men who said they were sexually assaulted as children in the 1970s and 1980s announced last week they reached a \$7 million settlement with three Catholic Church institutions that employed and supervised their predators.

In **Pennsylvania**, lawmakers said this week that in the wake of the sexual abuse scandal at Penn State University they would propose reforms to give victims more time to press civil claims. At Penn State, former assistant football coach Jerry Sandusky, 67, faces 52 counts of sexually abusing ten young boys over a 15-year period. He has denied he abused the boys.

In **New York**, another bill in the Assembly would change the law so the five-year period begins when a crime is first reported to law enforcement. Another bill would extend the statute of limitations for sex offenses against minors for 30 years. Assemblyman J. Gary Pretlow, who sponsored the 30-year proposal, said recently that the Syracuse case would reinvigorate his push to get the bill passed next year.

"Many times, people are too embarrassed to come forward," he said. "If people do come forward later in life, the person who did it should be punished."

New York state prosecutors said they would turn over the evidence in the Syracuse case to federal authorities. There is no federal statute of limitations on abuse of minors during the life of the victim. But Steven Statsinger, assistant federal defender at Federal Defenders of New York, said that federal prosecutors would have to establish jurisdiction to bring a case. If the alleged abuse occurred only in New York, for example, prosecutors may find it hard to establish federal jurisdiction.

"In order for it to be a federal offense, there would have to be something inter-state about it," said Statsinger.