

# DISTRICT ATTORNEY

OF THE

## COUNTY OF NEW YORK

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### Repeat Misdemeanants Fact Sheet

#### **A Pervasive and Growing Problem**

There are a staggering --and growing -- number of career petty criminals who make a living committing misdemeanors. In New York County alone, 2,098 individuals were convicted of 8 or more A misdemeanors or higher level crimes between 2005 and 2010.

Misdemeanants can be sentenced to no more than one year in jail, but frequently serve no time or nominal time behind bars. The penalties that are available for misdemeanor crimes neither deter these lifelong criminals from further offenses nor induce them to use the rehabilitative services offered to help them reform their behavior.

#### **What Can Be Done?**

Although New York's sentencing provisions enhance penalties for second *felony* offenders and persistent *felons*, career *misdemeanants* know that most *misdemeanor* offenses are not enhanced in any analogous way whether it is their second -- or twenty-second -- conviction. I am working with lawmakers to create a new E felony for serious repeat misdemeanants, which targets career criminals who commit a high volume of crime but never face serious consequence.

#### **Who Will This Impact?**

Only the most egregious of repeat offenders, whose exhaustive rap sheets include numerous 'A' misdemeanors - crimes which endanger communities' safety and well-being - will be eligible for the Aggravated Criminal Conduct charge. This charge will *not* further penalize those offenders who have simply made a few bad choices that resulted in misdemeanor convictions. Creating the E felony of Aggravated Criminal Conduct for when someone is convicted of 8 or more A misdemeanor or higher level crimes in 5 years appropriately addresses career criminality and will help reduce the burden on our already overwhelmed criminal court.

#### **A Path to Increasing the Effectiveness of the Criminal Justice System**

Repeatedly cycling the same defendants through the criminal justice system benefits no one. The unceasing effort of arresting, prosecuting and incarcerating a person who will serve a short jail sentence simply to return to the streets and repeated the same pattern overburdens both the system and the public servants who work to protect New Yorkers. According to the Office of Court Administration, at the end of Term 13 there were 43,807 misdemeanor cases *pending disposition* in New York City alone; these cases clog our court system.

Most insidiously, the nominal sentences meted out to misdemeanants lay the groundwork for perpetuating the cycle of crimes committed against unsuspecting victims. If repeat offenders were subject to a felony conviction, the longer sentence would encourage offenders to utilize rehabilitation and re-entry services, and empower judges to divert offenders to much needed treatment programs so that they can break out of the destructive lifestyle rooted in petty crime.