

State Legislature poised to approve 'Amanda's Law'

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By Tom Precious

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ALBANY – A mother's five-year odyssey to strengthen penalties for concealment of a corpse ended Wednesday with an all-but-certain deal at the state Capitol.

"I don't think there's going to be any more Amandas or not as many. People are going to think twice about disposing or moving a body," Leslie Brill-Meserole said Wednesday after learning of the Assembly and Senate agreement.

The frozen body of the Tonawanda resident's daughter, Amanda L. Wienckowski, was found in early 2009 inside a trash receptacle outside a Buffalo church.

The legislation makes it a felony, up from a misdemeanor, to dispose of a corpse without a burial or removal permit, or for seeking to conceal a corpse.

Authorities say Wienckowski died from an overdose, but her family insists the 20-year-old was murdered by Antoine Garner, who is in a state prison in Elmira serving a sentence of up to 18 years on rape, strangulation and robbery convictions in a separate case.

Brill-Meserole believes law enforcement would have been forced to further investigate what she believes was the murder of her daughter had it been a felony to dispose of a corpse. Backers of the legislation also believe the stronger penalties will dissuade accomplices who might not have actually killed someone from hiding corpses in murder cases.

The legislation is sponsored by Sen. Robert Ortt, a freshman Republican from Niagara County who picked up the bill after it had been pushed for several years by former Sen. Mark Grisanti, a Buffalo Republican who is now a state Court of Claims judge. In the Assembly, the bill is sponsored by Robin Schimminger, a Kenmore Democrat.

The bill has been blocked in the Assembly since 2011, but amendments made to it this week brought the two houses together. The amendments changed the penalty contained in an earlier bill from a Class D to a Class E felony.

The measure is due to be approved before lawmakers end their 2015 session next week. Ortt said the bill will help bring some closure to the family of Wienckowski and will add penalties against convicted murderers or their accomplices.

The corpse bill is among hundreds being passed, still negotiated or blocked as every possible lobbying company and special interest group has descended on the state Capitol in the annual frenzy that defines the end of a legislative session. The atmosphere this year, though, has a different feel, with the departure of the top legislative leaders in the Senate and Assembly following corruption charges against them – and hallway chatter about more arrests on the way.

Gov. Andrew M. Cuomo made clear Wednesday he is seeking to simply extend some of what he calls the more complicated laws that are expiring, such as rent control laws in New York City.

The players are many. There are parents of dead children pushing to require doctors to attend mandatory continuing education courses on prescription drug addiction. There are lobbyists for the Catholic Church pressing for tax breaks to help parochial schools; charter school advocates seeking expansions; school officials and teachers looking to amend the Common Core program; and Assembly Republicans seeking to put an end to Cuomo's START-UP NY tax-free program for select new businesses. Business groups pushed to get Cuomo to reconsider his fracking ban and advocates pushing for everything from stronger animal abuse laws to protections for the taxi industry.

Wednesday afternoon saw a couple hundred New York City police officers and firefighters rally outside the Capitol for better disability pension payments. Across the street, a giant plastic duck was inflated as a prop for a push to restrict chemicals used in children's toys. The day before, the Capitol's hallways blared with chants and whistles by protestors seeking to protect or expand New York City's expiring rent control laws.

Lawmakers say there is also a deal set to be announced aimed at reducing sexual assaults on private college campuses. It mirrors a policy already in place on state university campuses involving "affirmative" consent for sexual activities and amnesty for students to report sexual assaults so they need not fear being slapped with campus policy violations, such as underage alcohol use.

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