



## Legislation Text

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**File #:** Res 1381-2012, **Version:** \*

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### Res. No. 1381

Resolution opposing and calling for the withdrawal of New York State Senate bill S.281, which would permit individuals to use physical force, including deadly physical force, in defense of a person, premise, dwelling, residence or vehicle.

By Council Members Williams, Jackson, Chin, Comrie, Dromm, James, Lander, Rose, Vann and Rodriguez

Whereas, According to the Centers for Disease Control and Prevention, 11,493 firearm related deaths occurred in the United States during 2009; and

Whereas, According to a 2012 report published by the Children's Defense Fund, there were 2,793 youth killed and 13,791 injured by firearms in the United States during 2009; and

Whereas, Reports by the New York City Police Department indicate that of the 515 homicides in New York City during 2011, 314 were committed by use of a firearm; and

Whereas, Lawmakers, community leaders, and advocates across the country have called for tougher gun control policies in an effort to reduce the number of shootings; and

Whereas, New York City continues to be at the forefront in promoting public safety by advocating for more stringent firearm regulations; and

Whereas, On February 26, 2012, Trayvon Martin, a 17-year-old black male high school student was shot to death by George Zimmerman, a neighborhood watch volunteer, while walking to visit his family in a gated community in Sanford, Florida; and

Whereas, The Sanford Police Department did not arrest Zimmerman for 45 days, in part because he claimed that he acted lawfully pursuant to Florida's "Stand Your Ground" law, which allows an individual to use force in self-defense without imposing a duty to retreat; and

Whereas, Zimmerman is expected to rely on Florida’s “Stand Your Ground” law in his defense against the charge of second-degree murder; and

Whereas, Since 2005, 25 states have passed “Stand Your Ground” laws, which risk encouraging gun owners to commit deadly acts of violence as they know that they may be able to avoid prosecution; and

Whereas, S.281, currently pending in the New York State Senate, seeks to amend the New York State Penal Law (“Penal Law”) by permitting individuals to use physical force, including deadly physical force, in defense of a person, premise, dwelling, residence or vehicle; and

Whereas, Additionally, S.281 seeks to repeal the Penal Law’s “duty to retreat” clause, which prohibits the use of deadly force by an individual if they have the ability to safely retreat; and

Whereas, S.281, comparable to Florida’s “Stand Your Ground” statute, if enacted, could compromise public safety and make it more difficult to prosecute individuals that inappropriately use deadly force; and

Whereas, The broad scope of "Stand Your Ground" laws put too much faith in the judgment of a person regarding the use of deadly force, which can jeopardize public safety by furthering the likelihood of unwarranted shootings; now, therefore, be it

Resolved, That the Council of the City of New York opposes and calls for the withdrawal of New York State Senate bill S.281, which would permit individuals to use physical force, including deadly physical force, in defense of a person, premise, dwelling, residence or vehicle.

WJH  
LS 3504  
5/29/12