



## Legislation Text

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**File #:** Res 0831-2005, **Version:** \*

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### Res. No. 831

Resolution calling upon the Legislature of the State of New York to expand the state Hate Crimes Law (Penal Law Article 485) to include bias motivated crime that is not directed at a particular person or location.

By Council Members Gennaro, Weprin, Brewer, Clarke, Comrie, Gerson, James, Jennings, Koppell, Liu, Palma, Quinn, Sanders Jr., Foster and Moskowitz

Whereas, In July 2004, two young men from Staten Island purchased gasoline, poured it in the shape of a swastika in the middle of an intersection, and set it on fire; they were arrested and charged with criminal mischief, reckless endangerment, and arson, but were not eligible to be charged under the state's Hate Crimes Law, because their actions were not directed toward a particular individual or location; and

Whereas, The current Hate Crimes Law states that a person commits a hate crime when he or she commits a specified offense and either (a) intentionally selects the victim based on race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation or (b) intentionally commits the act or acts constituting the offense in whole or in substantial part because of a belief or perception regarding the race, color, national origin, ancestry, gender, religion, religious practice, age, disability or sexual orientation of a person, regardless of whether the belief or perception is correct; and

Whereas, Since the actions of the two men on Staten Island were not directed at a particular person or group, these two individuals could not be charged under the state Hate Crimes Law, which would allow for harsher penalties for this act of vandalism; and

Whereas, This act of vandalism is not punishable under the current Hate Crimes Law because the current law is not broad enough to effect the punishment of such a crime; and

Whereas, Since this act of vandalism is not punishable under the current Hate Crimes Law, but yet, as

stated in the current law’s legislative findings, inflicts “incalculable physical and emotional damage” and “tears at the very fabric of a free society,” it is clear that the current law must be amended; and

Whereas, Expanding the current law to include bias motivated acts that are not directed to a specific person or location would permit judges to impose stiffer penalties, thus protecting the community from this sort of intolerant behavior; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Legislature of the State of New York to expand the state Hate Crimes Law (Penal Law Article 485) to include bias motivated crime that is not directed at a particular person or group.