



Legislation Text

File #: Res 0279-2010, Version: A

Proposed Res. No. 279-A

Resolution calling upon the New York State Senate to reintroduce S.2377 of 2009, which would amend the New York State Penal Law in relation to increasing penalties for the offenses of making graffiti and possession of graffiti instruments, and calling upon the New York State Assembly to introduce and pass a companion bill, and for the Governor to sign such legislation into law.

By Council Members Vallone, Fidler, Gentile, Nelson, Van Bramer, Koo, Vacca, Halloran and Ulrich

Whereas, Graffiti vandalism continues to plague many communities in the United States and in New York City; and

Whereas, Graffiti is a destructive offense that communicates a message of disorder and lawlessness in all neighborhoods throughout New York State; and

Whereas, In addition to graffiti's negative visual and aesthetic impacts, graffiti causes economic damage due to its negative effect on property value and the costs of cleaning and repairing vandalized surfaces; and

Whereas, The New York City Police Department (NYPD) is making significant efforts to address and prevent graffiti, including taking enforcement action against violators; and

Whereas, According to the NYPD, in fiscal year 2011, the NYPD made 4,059 arrests for graffiti-related crimes, representing a 1 percent decrease from fiscal year 2010 when 4,102 arrests were made; and

Whereas, To curb graffiti-related activity, New York State Legislature should reintroduce legislation which would amend the New York State Penal Law by significantly increasing criminal penalties for graffiti-related offenses; and

Whereas, This legislation would amend section 145.60 of the Penal Law, "making graffiti," by renaming the section "making graffiti in the second degree;" and

Whereas, If enacted, this legislation would create a new section 145.61 in the Penal Law entitled

"making graffiti in the first degree," which would occur when an individual commits the crime of making graffiti in the second degree and has been previously convicted, within the past 10 years, of one of the following crimes: criminal mischief, cemetery desecration, making graffiti, reckless endangerment of property, possession of graffiti instruments, aggravated harassment in the first degree, or any violation of local laws relating to graffiti; and

Whereas, Making graffiti in the first degree would constitute a class E felony; and

Whereas, This legislation would amend section 145.65 of the Penal Law to make possession of graffiti instruments a class A misdemeanor instead of a class B misdemeanor; and

Whereas, The legislation would not only increase the penalties associated with graffiti- related convictions, but would also serve as a strong deterrent and help keep New York's neighborhoods free from graffiti; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Senate to reintroduce S.2377 of 2009, which would amend the New York State Penal Law in relation to increasing penalties for the offenses of making graffiti and possession of graffiti instruments, and calling upon the New York State Assembly to introduce and pass a companion bill, and for the Governor to sign such legislation into law.

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