



Legislation Details (With Text)

**File #:** Res 0197-2014      **Version:** \*      **Name:** Increase the penalty for inciting to riot to a Class E felony when it has been determined that social media and/or mass electronic communication has been used.

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**Title:** Resolution calling on New York State to increase the penalty for inciting to riot to a Class E felony when it has been determined that social media and/or mass electronic communication has been used.

**Sponsors:** Alan N. Maisel

**Indexes:**

**Attachments:**

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Res. No. 197

Resolution calling on New York State to increase the penalty for inciting to riot to a Class E felony when it has been determined that social media and/or mass electronic communication has been used.

By Council Member Maisel.

Whereas, New York City has over eight million residents and is one of the most densely populated cities in the world; and

Whereas, Social media can be a great medium to promote rapid dissemination of information to the general public, especially in large, dense urban areas such as New York City; and

Whereas, Social media sites, such as Facebook and Twitter, have been used by individuals to network, voice ideas, and organize political movements; and

Whereas, Although social media sites often circulate constructive ideas and information, social media can also be used for negative purposes; and

Whereas, This is a growing national and international problem that continues to impact society; and

Whereas, In December of 2013, reports indicated that a flash mob of hundreds of out-of-control teens stormed the Kings Plaza Shopping Center in Mill Basin, Brooklyn, trashing stores, attacking security guards, and assaulting innocent individuals; and

Whereas, According to the national British newspaper the Guardian, in 2011, during widespread rioting in England, there were reports that the BlackBerry Messenger service played a key role in organizing looting and rioting; and

Whereas, According to the British Broadcasting Corporation, there were more than 3,100 individuals arrested for participating in the 2011 British riots; and

Whereas, Section 240.08 of the New York State Penal Code (“Penal Code”) states that “a person is guilty of inciting to riot when he urges ten or more persons to engage in tumultuous and violent conduct of a kind likely to create public alarm,” which carries a penalty of a Class A misdemeanor; and

Whereas, Social media and mass electronic communication has the capability to incite thousands of individuals to riot, therefore potentially compounding the number of individuals injured and amount of property damaged; and

Whereas, New York State should increase the penalty for individuals who use social media as a means to incite to riot to a Class E Felony, which would carry a penalty of up to four years in prison and a fine not exceeding five thousand dollars; and

Whereas, Increasing penalties when there is evidence that social media or mass electronic communication has been used to incite to riot would help further safeguard the public safety of all New Yorkers; now, therefore, be it

Resolved, That the Council of the City of New York calls on New York State to increase the penalty for inciting to riot to a Class E felony when it has been determined that social media and/or mass electronic communication has been used.

WJH  
LS 804  
4/18/14

