Legislation Details (With Text)

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Title: A Local Law to amend the administrative code of the city of New York, in relation to a gun offender registry.

Sponsors: Christine C. Quinn, Peter F. Vallone, Jr., Joseph P. Addabbo, Jr., Gale A. Brewer, Yvette D. Clarke, Leroy G. Comrie, Jr., Simcha Felder, Lewis A. Fidler, Vincent J. Gentile, Alan J. Gerson, Sara M. Gonzalez, Letitia James, G. Oliver Koppell, John C. Liu, Melissa Mark-Viverito, Miguel Martinez, Hiram Monserrate, Michael C. Nelson, Domenic M. Recchia, Jr., Kendall Stewart, Albert Vann, David I. Weprin, Daniel R. Garodnick, Michael E. McMahon, Eric N. Gioia, Helen Sears, James F. Gennaro, Erik Martin Dilan, Helen D. Foster, Robert Jackson, David Yassky, Melinda R. Katz, James S. Oddo, Betsy Gotbaum, (by request of the Mayor)

Indexes:

Attachments: 1. Int. No. 362 - 6/13/06, 2. Committee Report 6/27/06, 3. Hearing Transcript 6/27/06, 4. Committee Report 7/19/06, 5. Hearing Transcript 7/19/06, 6. Fiscal Impact Statement, 7. Hearing Transcript - Stated Meeting 7/19/06, 8. Local Law

Date	Ver.	Action By	Action	Result
6/13/2006	*	City Council	Introduced by Council	
6/13/2006	*	City Council	Referred to Comm by Council	
6/27/2006	*	Committee on Public Safety	Hearing Held by Committee	
6/27/2006	*	Committee on Public Safety	Laid Over by Committee	
7/19/2006	*	Committee on Public Safety	Hearing Held by Committee	
7/19/2006	*	Committee on Public Safety	Amendment Proposed by Comm	
7/19/2006	A	Committee on Public Safety	Amended by Committee	
7/19/2006	A	Committee on Public Safety	Approved by Committee	Pass
7/19/2006	A	City Council	Approved by Council	Pass
7/19/2006	A	City Council	Sent to Mayor by Council	
7/27/2006	A	Mayor	Hearing Held by Mayor	
7/27/2006	A	Mayor	Signed Into Law by Mayor	
7/27/2006	A	City Council	Recved from Mayor by Council	

Int. No. 362-A

By The Speaker (Council Member Quinn) and Council Members Vallone Jr., Addabbo Jr., Brewer, Clarke, Comrie, Felder, Fidler, Gentile, Gerson, Gonzalez, James, Koppell, Liu, Mark-Viverito, Martinez, Monserrate, Nelson, Recchia Jr., Stewart, Vann, Weprin, Garodnick, McMahon, Gioia, Sears, Gennaro, Dilan, Foster, Jackson, Yassky, Katz, Oddo and The Public Advocate (Ms. Gotbaum) (by request of the Mayor)

A Local Law to amend the administrative code of the city of New York, in relation to a gun offender registry.

Be it enacted by the Council as follows:

Section one. Legislative findings and intent. The Council of the City of New York finds that people who have been convicted of felony gun offenses pose unique dangers to the people of this City and should, therefore, be monitored to prevent them from reoffending and to ensure their prompt apprehension if they do commit further crimes.

The New York City Police Department has shown that information about past offenders can be used to prevent future crimes. The Specially Targeted Offenders Project (STOP) led to 247 arrests of offenders who had violated a duty to report changes in address under the state's Correction Law from 2003 to 2004, almost doubling the rate of such arrests from the previous year.

§2. A new chapter 6 is hereby added to title 10 of the administrative code of the city of New York to read as follows:

CHAPTER SIX

GUN OFFENDER REGISTRATION ACT

§10-601. Short Title. This local law shall be known as the "Gun Offender Registration Act."

§10-602. Definitions. For purposes of this chapter: a. "Career education" shall have the meaning given in subdivision twenty-four of section two of the education law.

b. "Commissioner" shall mean the police commissioner of the city of New York or his or her designee.

c. "Department" shall mean the police department of the city of New York.

d. "Gun offender" shall mean any person who is convicted, after the effective date of this act, of a gun offense as defined in subdivision e of this section in a court in the city of New York. Convictions that result from or are connected with the same act, or result from offenses committed at the same time, shall be

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counted for the purpose of this chapter as one conviction. The entry of a plea of guilty, a plea of guilty where the gun offender does not accept responsibility, a plea of nolo contendere, or a verdict of guilty, shall constitute a conviction for purposes of this chapter; provided, however, that any conviction set aside pursuant to law, including any conviction for a gun offense that has been reversed upon appeal, is not a conviction for purposes of this chapter. The term "gun offender" shall not include any person who has been pardoned for all gun offenses by the governor.

e. "Gun offense" shall mean a conviction of criminal possession of a weapon in the third degree in violation of subdivision 4, 5, 6, 7, or 8 of section 265.02 of the penal law or criminal possession of a weapon in the second degree in violation of subdivision 3 of section 265.03 of the penal law.

f. "Higher education" shall have the meaning given in subdivision eight of section two of the education law.

g. "Local correctional facility" shall have the meaning given in paragraph (a) of subdivision sixteen of section two of the correction law.

h. "Secondary education" shall have the meaning given in subdivision seven of section two of the education law.

i. "State correctional facility" shall mean a correctional facility as defined in paragraph (a) of subdivision four of section two of the correction law.

§10-603. Duty to register and to verify. a. A gun offender shall register with the department at the time sentence is imposed on a form prescribed by the department.

b. Registration as required by this chapter shall consist of a statement in writing signed by the gun offender giving such information as may be required under subdivision c of this section.

c. A gun offender shall, to the extent required by the department, provide the following information to the department:

1. The gun offender's name, all aliases used, date of birth, sex, race, height, weight, eye

color, number of any driver's license or non-driver photo ID card, home address and/or expected place of residence.

2. A photograph, updated during the period of registration as described in subdivision d of this section.

3. A description of the offense for which the gun offender was convicted, the date of conviction and the sentence imposed.

4. The name and address of any institution of career education, higher education or secondary education at which the gun offender is or expects to be enrolled or attending, and whether such offender resides in or will reside in a facility owned or operated by such institution.

5. The gun offender's expected place of employment, including name and phone number of supervisor and mailing address of employer.

6. Any other information deemed pertinent by the department.

d. First personal appearance. A gun offender who is required to register shall personally appear at such office as the commissioner may direct within forty-eight hours of (i) release, in the event the gun offender receives a sentence of imprisonment, or (ii) the time sentence is imposed, if such sentence does not include imprisonment, for the purpose of personally verifying such information as may be required under subdivision c of this section with the department. The department may at such time photograph the gun offender. The commissioner may require the gun offender to provide such documentation as the commissioner deems acceptable verifying such information.

e. For a gun offender who is required to register under this chapter and who is a resident of the City of New York, every six months after the gun offender's initial registration date during the period in which he or she is required to register under this chapter the following applies:

1. Except as specified in paragraph 2 of this subdivision, within twenty days of each six month anniversary of the gun offender's initial registration date, the gun offender shall personally appear at

such office as the commissioner may direct for the purpose of verifying such information as may be required under subdivision c of this section with the department. The department may at such time photograph the gun offender. The commissioner may require the gun offender to provide such documentation as the commissioner deems acceptable verifying such information.

2. If a gun offender required to register under this chapter who is a resident of the City of New York is confined to any state or local correctional facility, hospital or institution throughout the twenty-day period described in paragraph 1 of this subdivision, such gun offender shall personally appear as required by paragraph 1 within forty-eight hours of release. The department may at such time photograph the gun offender.

f. The department is authorized to maintain in the registry database information other than that specified in subdivision c of this section.

g. Any gun offender shall, within ten calendar days after establishing residence in the city of New York or changing residences within the city of New York, personally appear at such office as the commissioner may direct and there provide verification information as required by this chapter. The commissioner may require the gun offender to provide such documentation as the commissioner deems acceptable verifying the change in residence.

§10-604. Duration of registration and verification. A gun offender shall register and verify for a period of four years from the date of conviction of a gun offense, if the conviction does not include imprisonment, or for a period of four years from the date of release after conviction of a gun offense, in the event the gun offender receives a sentence of imprisonment.

§10-605. Sharing of registration information. The department is authorized to make the registry available to any regional or national government-operated registry of gun offenders for the purpose of sharing information. The department may accept files from any regional or national registry of gun offenders. The department is also authorized to make the registry available to other City agencies.

§10-606. Cooperation with other agencies. The department is authorized to cooperate with state and

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City agencies and the judiciary to facilitate implementation of this chapter. Assistance and cooperation in the implementation of this chapter shall be provided by other City departments and agencies upon request by the commissioner.

§10-607. Regulations. The commissioner may make and promulgate such rules and regulations and establish such forms as are necessary to carry out the provisions of this chapter.

§10-608. Penalties. Any violation by a gun offender of this chapter or of rules and regulations established pursuant to this chapter, including any failure to register or to verify pursuant in the manner and within the time periods provided for in this chapter, shall be a misdemeanor punishable by a fine of not more than one thousand dollars or imprisonment of not more than one year or both. Failure to receive any form shall not excuse any violation of this chapter.

§3. If any section, subsection, sentence, clause, phrase or other portion of this local law is, for any reason, declared unconstitutional or invalid, in whole or in part, by any court of competent jurisdiction, such portion shall be deemed severable, and such unconstitutionality or invalidity shall not affect the validity of the remaining portions of this law, which remaining portions shall continue in full force and effect.

§4. This local law shall take effect 240 days after it shall have been enacted into law, provided that the commissioner may take any actions necessary prior to such effective date for the implementation of this local law including, but not limited to, promulgating rules and regulations.

RC
7/11/06