



Legislation Details (With Text)

File #:	Res 0552-2010	Version:	*	Name:	Mandatory jail term for individuals convicted of a third misdemeanor within ten years. (A.4388/S.2632)
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Title:	Resolution calling upon the New York State Assembly to pass A.4388, the New York State Senate to pass companion bill S.2632, and the Governor to sign such legislation into law, requiring a mandatory jail term for individuals convicted of a third misdemeanor within ten years.				
Sponsors:	Peter F. Vallone, Jr., Vincent J. Gentile				
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Res. No. 552

Resolution calling upon the New York State Assembly to pass A.4388, the New York State Senate to pass companion bill S.2632, and the Governor to sign such legislation into law, requiring a mandatory jail term for individuals convicted of a third misdemeanor within ten years.

By Council Members Vallone Jr. and Gentile

Whereas, Under New York State Criminal Procedure and Penal Law, there is currently no mandatory jail time for a person convicted of a misdemeanor offense; and

Whereas, According to a New York State Assembly memorandum, a significant majority of those convicted of misdemeanors every year have at least one prior conviction, and a large minority have more than ten prior convictions; and

Whereas, Although many of these recidivist misdemeanants are not charged with felony crimes, the constant and repetitive nature of their offenses can be equally damaging to society; and

Whereas, Misdemeanors include many violent crimes such as assault resulting in injury, domestic abuse, and resisting arrest, as well as other serious offenses such as driving while intoxicated, criminal trespassing, repeated stalking, and drug possession; and

Whereas, In 2002, Mayor Bloomberg initiated a citywide program called Operation Spotlight specifically targeting active chronic misdemeanor offenders prior to their arraignment in the criminal courts, which has led to an increase in the percentage of eligible defendants detained on bail and receiving jail sentences; and

Whereas, New York County's District Attorney has recently advocated for enactment of tougher state legislation that would create a felony crime for defendants with multiple, persistent convictions for misdemeanors; and

Whereas, Punishing chronic misdemeanants more severely would help promote public safety; and

Whereas, A.4388, currently pending in the New York State Assembly, and companion bill S.2632, currently pending in the New York State Senate, would enhance public safety by providing appropriately severe punishment for those who repeatedly commit misdemeanor crimes; and

Whereas, A.4388/S.2632 would strengthen existing law by creating the crime of aggravated criminal conduct, thereby enabling courts to impose felony sanctions on persistent misdemeanor offenders; and

Whereas, If the problem of chronic misdemeanants is not repaired, a dilemma that endangers our public safety, drives away tourism, devalues our neighborhoods, hurts our economy, and tarnishes our City's reputation as the safest large city in the United States, it will indeed breed more serious criminal activity; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Assembly to pass A.4388, the New York State Senate to pass companion bill S.2632, and the Governor to sign such legislation into law, requiring a mandatory jail term for individuals convicted of a third misdemeanor within ten years.

WJH
LS #823
10/19/10

