Legislation Details (With Text)

File #:	Res 0550-2010	**Version:**	*	**Name:**	Amending various sections of the Penal Law to better combat gang violence.
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Title: Resolution calling upon the New York State Legislature to enact legislation amending various sections of the Penal Law to better combat gang violence.

Sponsors:

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11/17/2010	*	City Council	Introduced by Council	
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12/31/2013	*	City Council	Filed (End of Session)	

Res. No. 550

Resolution calling upon the New York State Legislature to enact legislation amending various sections of the Penal Law to better combat gang violence.

By Council Members Vallone Jr., Koppell, Nelson and Halloran

Whereas, Although great progress has been made combating crime in New York City, gang related criminal activity still continues, thriving on shortcomings in the law that prescribe weak criminal penalties; and

Whereas, Dangerous and ruthless gangs, including the Bloods, Crips, Latin Kings, MS-13, and a host of others, have established their presence in our schools and communities, bringing increased incidents of robbery, assault, drug dealing, prostitution and murder to our streets and neighborhoods; and

Whereas, Gang related incidents and dangers are a focus of the New York City Council's Committee on Public Safety and were recently highlighted at hearings conducted by the committee; and

Whereas, On October 3, 2010, nine members of the street gang called The Latin King Goonies, ranging in age from 17 to 23, allegedly held three victims against their will in a vacant Bronx apartment, assaulted and

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tortured all, and sodomized two of the individuals; and

Whereas, In addition to the three assaults described above, the gang members allegedly assaulted and robbed a fourth individual; and

Whereas, While the New York City Police Department and the District Attorney's offices work diligently to bring violent gang criminals to justice, successful prosecution is often hampered by the all too common occurrence of witness intimidation and tampering; and

Whereas, These offenses occur when an individual threatens a witness or another with physical injury in an attempt to dissuade such witness from testifying in court; and

Whereas, Gang members, emboldened by the inadequate penalties prescribed for these offenses, will often intimidate witnesses into not testifying; and

Whereas, As the law currently stands, both the offenses of tampering with a witness in the third degree and intimidation of a witness in the third degree are Class E felonies; and

Whereas, If the penalties for witness intimidation and/or tampering were made more severe, we would likely experience a reduction in the frequency of gang members using such scare tactics to deter witnesses from coming forward, and ultimately, witnesses would feel more assured and justice would benefit by no longer being routinely obstructed by fearless criminals; and

Whereas, By risking exposure to only the relatively minor offense of an "E" felony, a defendant can effectively compromise the entire judicial process by successfully threatening a witness into fleeing, recanting, or refusing to testify; and

Whereas, Gang assault in the first and second degree, B and C level felonies respectively, both require that the victim of the assault be "seriously injured" for these charges to apply; and

Whereas, Countless vicious gang attacks result in physical injury to the victims that does not rise to the level of serious injury as required by law; and

Whereas, In order to expand the number of victims protected by the law and to ensure that those

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responsible for violent gang assaults are justly punished, the definition of second degree gang assault should be expanded to include defendants who, when acting together with two or more individuals present, attack a victim but merely cause physical injury, rather than "serious" physical injury as defined in the Penal Law; and

Whereas, It is imperative that law enforcement have the tools and resources to effectively prosecute gang criminals, and these include sensible laws and meaningful penalties for offenders; and

Whereas, Any inadequacies and shortcomings in these areas should be properly remedied so that justice can truly be carried out; and

Whereas, Amending the Penal Law to reflect these changes would enhance the ability of law enforcement to effectively prosecute and bring to justice violent gang criminals, thereby greatly enhancing the safety and quality of life for all New Yorkers; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to enact legislation amending various sections of the Penal Law to better combat gang violence.

WJH
LS# 832
10/20/10

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