



Legislation Text

File #: Int 0994-2013, Version: *

Int. No. 994

By Council Members Oddo, Ulrich, Vallone, Arroyo, Chin, Comrie, Dromm, Fidler, Gentile, James, Mealy, Williams, Wills, Halloran and Ignizio

A Local Law to amend the administrative code of the City of New York, in relation to creating a civil penalty for any individual who is convicted of fraud or property related crimes that occur in a mandatory evacuation zone during a mandatory evacuation period.

Be it enacted by the Council as follows:

Section 1. Chapter one of title ten of the administrative code of the city of New York is amended by adding a new section 10-171 to read as follows:

§10-171. Civil penalty for fraud or property related crimes committed in a mandatory evacuation zone during a mandatory evacuation period.

a. Definitions. For the purposes of this section the following terms shall have the following meanings:

1. “Fraud related offenses” shall mean any of the felonies, misdemeanors, or violations as defined in the following sections of the New York Penal Law: (i) sections one hundred and ninety point twenty-five and one hundred and ninety point twenty-six, relating to offenses involving criminal impersonation; and (ii) sections one hundred and ninety point sixty and one hundred and ninety point sixty-five, relating to offenses involving schemes to defraud;

2. “Mandatory evacuation period” shall mean the timeframe during which the occupancy and use of buildings and homes is prohibited for public safety purposes in response to a natural or man-made disaster as determined by the Mayor of the City of New York, pursuant to section twenty-four of the New York State Executive Law;

3. “Mandatory evacuation zone” shall mean any area where the occupancy and use of buildings and

homes is prohibited for public safety purposes in response to a natural or man-made disaster as determined by the Mayor of the City of New York, pursuant to section twenty-four of the New York State Executive Law; and

4. "Property related offenses" shall mean any of the felonies, misdemeanors, or violations as defined in the following articles or sections of the New York Penal Law: (i) sections one hundred and forty through one hundred and forty point thirty, relating to offenses involving damage to and intrusion upon property; (ii) sections one hundred and forty-five through one hundred and forty-five point twelve, relating to offenses involving criminal mischief; (iii) sections one hundred and forty-five point fourteen through one hundred and forty-five point twenty, relating to offenses involving criminal tampering; (iv) section one hundred and forty-five point twenty-five, relating to the offenses of reckless endangerment of property; (v) section one hundred and forty-five point sixty, relating to the offense of making graffiti; (vi) article one hundred fifty, relating to offenses involving arson; and (vii) article one hundred fifty-five, relating to offenses involving theft, provided that the offense involves real property.

b. Civil penalties. Any individual who is convicted of committing any fraud related offenses or property related offenses, as defined in this section, against a person or property located in a mandatory evacuation zone during a mandatory evacuation period, shall be liable to the city for a civil penalty in the amount of not more than fifty thousand dollars. The corporation counsel, upon notification by an appropriate law enforcement agency that such a conviction has occurred, may commence a civil action under this section. Such civil penalty shall be in addition to any criminal penalty or sanction that may be imposed, and shall not limit or preclude any cause of action available to any person or entity aggrieved by any of the acts applicable to this section.

§2. This local law shall take effect immediately.

CJG
LS #2819
12/12/11