



## Legislation Text

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**File #:** Res 0095-2014, **Version:** \*

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### Res. No. 95

Resolution calling on the New York State Legislature and the Governor to amend the New York State Penal Law by increasing penalties for the unintentional discharge of a firearm resulting in an injury to an individual.

By Council Member Rosenthal

Whereas, According to the Centers for Disease Control and Prevention, in 2010, there were 31,672 deaths in the United States related to firearms, which included 606 deaths attributed to the accidental discharge of firearms; and

Whereas, According to the Harvard Injury Control Research Center, accidental deaths attributed to guns were seven times higher in the four states with the most guns compared to the four states with the fewest guns; and

Whereas, Frequently, across the country, individuals accidentally shoot another person because they are not mindful and are unaware that the firearm is loaded; and

Whereas, An illustration of this occurred in the Lower East Side of Manhattan in November 2013, when, in the process of cleaning his hunting rifle, a 50-year-old man inadvertently fired a shot into the ceiling of his apartment causing debris to fall on and injure a 4-year-old boy; and

Whereas, Yet another example happened on June 12, 2010, when a 15-year-old boy from Flatlands, Brooklyn accidentally shot his friend in the stomach while flaunting a gun belonging to his mother; and

Whereas, New York State has enacted some of the strictest, most comprehensive gun laws in the country; however, there are specific areas of the law where the State lacks appropriate punishment for crimes involving a firearm; and

Whereas, Section 265.35 of the New York State Penal Law (“Penal Law”) defines the prohibited use of weapons in New York State; and

Whereas, Under section 265.35 of the Penal Law, any person who maims or injures another individual by unintentionally discharging a firearm is guilty of a Class A misdemeanor; and

Whereas, The penalty for a Class A misdemeanor carries a fine not to exceed \$1,000 and the possibility of up to one year in jail; and

Whereas, This current penalty for the unintentional discharge of a firearm resulting in injury to an individual is an insufficient deterrent and should be increased to a felony so that individuals recognize the complete dangers that firearms present; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature and the Governor to amend the New York State Penal Law by increasing penalties for the unintentional discharge of a firearm resulting in an injury to an individual.

SA  
Res 1321/2012  
LS 144/2014  
1/29/14