



## Legislation Text

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**File #:** Res 0226-2018, **Version:** \*

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Res. No. 226

Resolution calling on the New York State Legislature and the Governor to amend the New York State Penal and Criminal Procedure Laws to increase penalties for physical assaults on the elderly and disabled.

By Council Member Van Bramer

Whereas, The elderly and disabled are among the most vulnerable members of our society and deserve special protection; and

Whereas, On April 24, 2014, a husband and wife in their 80s were viciously assaulted during a robbery in their home in Bayside, Queens; and

Whereas, The alleged assailants entered the victims' home under the pretext they were going to work on the house; and

Whereas, The victims suffered head trauma and facial injuries as a result of the attack; and

Whereas, Elderly people and those who are frail or disabled or perceived to be frail or disabled are more likely to be targeted by criminals because they are thought to be less able or likely to defend themselves or to report an assault; and

Whereas, People who assault the elderly or disabled should face harsher criminal penalties; and

Whereas, Under current New York State Law, assaults on elderly and disabled people are treated as Class A misdemeanors, with a maximum penalty of one year in prison; and

Whereas, S4040, introduced by Senator Member James Tedisco and currently pending in the New York State Senate, would make an assault, depending on the severity of the attack, on a person over seventy years of

age or with a disability, either a Class E felony, punishable by up to four years in prison, or a Class D violent felony, punishable by up to seven years in prison; and

Whereas, Enactment of this law would evince society's desire to protect its most vulnerable citizens;  
and

Whereas, The New York State Senate should pass S4040, the New York State Assembly should introduce and pass a companion bill, which the Governor should sign into law: and

Whereas, Enactment of this law would send a message that violence against the elderly and disabled is particularly egregious, unacceptable and will not be tolerated; 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 and Criminal Procedure Laws to increase penalties for physical assaults on the elderly and disabled.

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