



Legislation Text

File #: Res 1314-2000, **Version:** *

Res. No. 1314

Resolution calling upon the New York State Legislature to amend article 150 of the New York State Penal Law to make the intentional setting of a fire in a building of public use, such as a school, senior center or place of religious worship, the class B felony of arson in the second degree.
..Body

By Council Members Fiala, Cruz, Henry, Nelson, Provenzano, Wooten, Oddo and Stabile; also Council Members Harrison, McCaffrey, Michels and Ognibene

Whereas, Article 150 of the New York State Penal Law sets forth the various crimes of arson; and

Whereas, Under Penal Law Section 150.10, a person is guilty of arson in the third degree when he intentionally damages a building by starting a fire, and such crime is classified as a class C felony; and

Whereas, On March 5, 2000, an arson fire heavily damaged the historic Saint Elizabeth's Orphanage in the Pleasant Plains section of Staten Island; and

Whereas, On March 12, 2000 an arson fire heavily damaged P.S. 36 in the Huguenot section of Staten Island; and

Whereas, As a result of the P.S. 36 fire, children had to miss two days of school, were displaced to other locations for classes, and countless books, computers and furniture were destroyed; and

Whereas, The intentional setting of a fire in a building of public use, such as a school, senior center or house of worship, in addition to the physical damage that is done, also creates tremendous hardship for the entire community; and

Whereas, The State Legislature, in other areas of the Penal Law, has created enhanced penalties for certain offenses, such as when a person intentionally damages property used for religious purposes, under Penal Law Section 240.31, or if an individual sells a controlled substance in or near school grounds, under Penal Law Section 220.44; and

Whereas, A greater penalty should be imposed if a person intentionally damages a building of public use, and such a crime should be elevated from its current status as a Class C felony to a Class B felony; and

Whereas, Re-classification of this type of arson sends a message that such acts will not be tolerated; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend article 150 of the New York State Penal Law to make the intentional setting of a fire in a building of public use, such as a school, senior center or place of religious worship, the class B felony of arson in the second degree.

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