



Legislation Text

File #: Res 1471-2000, **Version:** *

Res. No. 1471

Resolution calling upon the New York State Legislature to amend the Penal Law to create the crime of gang sexual assault.

By Council Members Leffler, Carrion, Koslowitz, Warden, Robles, White, Provenzano, Reed, Clarke, Eisland and Fiala; also Council Members Boyland, DiBrienza, Foster, Harrison, McCaffrey, Michels, O'Donovan, Quinn, Spigner and Golden

Whereas, The Penal Law sets forth certain sex offenses under Article 130; and

Whereas, The Penal Law also sets forth the crime of gang assault, which makes it illegal for a person to cause serious physical injury to another "when aided by two or more persons actually present"; and

Whereas, The New York State Senate's Memorandum in Support of the gang assault law detailed the need for the new law: "For the victims, gang assaults are particularly harrowing crimes. There are, moreover, other compelling reasons for defining new offenses that treat gang assaults with appropriate severity. As criminologists have reported, the incidence of gang assaults-particularly gang assaults committed by youths-has been increasing in recent years. Tragically, the term "wilding" has become common parlance. Moreover, gang assaults are especially serious crimes, because the joint action of numerous assailants is not only terrifying to victims but tends to increase the likelihood that severe or lethal injuries will be inflicted"; and

Whereas, On June 11, 2000, many women were subject to vicious and cruel sexual attacks by marauding packs of young men in Central Park; and

Whereas, Although many of these individuals have been charged and indicted for various sex offenses, they could have been charged with gang sexual assault had that offense been included in Article 130; and

Whereas, Just as the State Legislature, in creating the crime of gang assault, recognized that the joint action of numerous assailants is terrifying to victims and increases the likelihood of injury, the heinous acts in Central Park demonstrated that gang sexual assaults are terrifying to victims and increase the likelihood of physical and emotional injury; and

Whereas, Creating the crime of gang sexual assault would give police and prosecutors another tool to combat these vicious acts, by giving them the ability to charge individuals who, as a group, sexually attack or molest other individuals; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the Legislature of the State of New York to amend the Penal Law to create the crime of gang sexual assault.

LS#3195