



Legislation Text

File #: Res 1528-2000, **Version:** *

Res. No. 1528

Resolution calling upon the members of the New York State Legislature to amend the penal law by creating a class C felony for entering or remaining in any school or house of worship with the intent to commit a crime therein.

By Council Members Fiala, Dear, Henry, Nelson, Provenzano, Rodriguez, Abel, Golden and Oddo; also Council Members Carrion, McCaffrey, Povman and Ognibene

Whereas, The New York State Penal Law defines Burglary in the second degree as knowingly entering or remaining unlawfully in a building with intent to commit a crime, and sets forth certain aggravating factors which warrant greater punishment than a simple burglary, such as carrying a dangerous weapon or causing physical injury in the course of the burglary; and

Whereas, The media has reported a number of recent incidents concerning burglaries in our City's schools and houses of worship;

and
Whereas, P.S. 36 in the Huguenot section of Staten Island recently fell prey to a burglary resulting in a fire that damaged the building, books, computers, personal effects, and furniture, and which caused a significant disruption in the children's education; and
Whereas, These crimes, which create tremendous hardship for the entire community, are merely classified as class D felonies under the Penal Law, carrying a maximum penalty of only seven years imprisonment; and

Whereas, Re-classification of these crimes to a class C felony would carry a maximum penalty of fifteen years imprisonment, and give the courts greater discretion in fashioning a punishment that fits the crime; and

Whereas, This change would afford greater protection to our schools and churches; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the members of the New York State Legislature to amend the penal law by creating a class C felony for entering or remaining in any school or house of worship with the intent to commit a crime therein.

LS # 3260