



## Legislation Text

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Res. No. 776

Resolution calling upon the New York State Legislature to create legislation so that a conviction for a third misdemeanor within ten years results in mandatory jail time.

By Council Members Vallone, Jr., Baez and Gallagher

Whereas, Under New York State Criminal Procedure and Penal Law, there is currently no mandatory jail time for a person convicted of a misdemeanor offense; and

Whereas, Operation Spotlight, a program initiated by Mayor Bloomberg a full year ago that focuses on a small group of low-level criminals who consistently break the law, would be far more effective if chronic misdemeanants were treated more harshly; and

Whereas, Data reveals that approximately 28% of all non-felony offenses prosecuted in New York City are committed by only 6% of the defendants and that 9,700 defendants were arrested on misdemeanor charges at least three times in 2001, the year before Operation Spotlight was implemented; and

Whereas, Most of these chronic misdemeanants have substantial criminal records: 41% are convicted felons, 27% have eleven or more misdemeanor convictions, 41% are charged with drug offenses, 12% are charged with prostitution and sex offenses, and it is expected that 50% will be arrested within six months with over 20% on felony charges; and

Whereas, Under existing law, repeat offenders are often able to engage in decades-long patterns of criminal activity, such as a 40-year-old offender who was arrested 90 times, charged with 109 separate misdemeanors, and convicted of 65 as well as a 49-year-old offender who was arrested 92 times, charged with 202 separate misdemeanors and convicted of 88; and

Whereas, Misdemeanors include many violent crimes such as driving while intoxicated, assault resulting in injury, domestic violence, and resisting arrest, as well as other serious offenses such as criminal trespassing, repeated stalking, petit larceny, violating domestic violence restraining orders, giving false identity, and drug possession; and

Whereas, Other cases, in which certain felony charges are reduced to misdemeanors, are also cause for concern; and

Whereas, If we leave the problem of chronic misdemeanants unfixed, a problem that drives away tourism, devalues our neighborhoods, hurts our economy, and tarnishes our city's reputation as the safest large city in the United States, it will indeed breed more serious criminal activity; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to create legislation so that a conviction for a third misdemeanor within ten years results in mandatory jail time.