



## Legislation Text

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**File #:** Res 0206-2004, **Version:** \*

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### Res. No. 206

Resolution calling upon the New York State Legislature to pass Assembly Bill 09292 (A.09292), to amend the Penal Law so that the making of swastikas on public or private property without permission of the property owner, or the burning of a cross anywhere in public view, is a class “E” felony.

By Council Members Nelson, Addabbo, Fidler, Gennaro, Liu and Vallone

Whereas, In recent months, our City has been plagued by a shocking series of anti-Semitic graffiti on both public and private property; in recent incidents in Brooklyn, for example, vandals scrawled swastikas, a commonly known emblem of Nazi Germany, in front of homes and on everything from car windows to bank buildings to subway station walls in communities as diverse as Borough Park, Marine Park, Bensonhurst, Midwood and Sunset Park; and

Whereas, While the suspects responsible for these vicious acts of vandalism still remain at large, many residents in the affected communities continue to feel hurt and outrage at this virulent wave of hate crime, prompting local political and religious leaders to convene to discuss ways for the community to respond to the alarming incidents; according to Assemblyman Bill Colton, “...the mere act of painting a swastika shows the vandal’s intent;” “[a] swastika isn’t just another piece of graffiti. It has historical significance. It is a deliberate attempt to intimidate the victim;” and

Whereas, In response, in January 2004, Assemblyman Colton, who represents the Gravesend community, introduced A.09292 to make hate-inspired vandalism, including swastika graffiti scrawled on public or private property and the burning of a cross in public view, a class “E” felony, punishable by up to four years in prison; “[t]hese are two symbols that stand for hatred and violence and intimidation and fear;” [t]he State has to be willing to send a message that this kind of crime will not be tolerated,” said Assemblyman

Colton; and

Whereas, Under current State law, both swastika graffiti and the desecration of a cross are classified as misdemeanors, resulting in a light penalty that, according to Assemblyman Colton, amounts to little more than a “slap on the wrist;” and

Whereas, A.09292, however, would reclassify such acts as aggravated harassment in the first degree, making them class “E” felonies punishable by up to four years in prison; and

Whereas, Swastikas and burning crosses are symbols that have been used both historically and currently against groups of people to instill fear of bodily harm and death and, as such, constitute a serious expression of racial and religious hostility and intolerance; the use of these symbols rises above simple graffiti or vandalism and should be punished with more severe consequences; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass Assembly Bill 09292 (“A.09292”), to amend the Penal Law so that the making of swastikas on public or private property without permission of the property owner, or the burning of a cross anywhere in public view, is a class “E” felony.

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