



## Legislation Text

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**File #:** Res 0157-2006, **Version:** \*

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### Res. No. 157

Resolution calling on the New York State Legislature to amend the Penal Law to categorize possession of a loaded firearm as a class C felony.

By Council Members Vallone Jr., Gentile, Nelson, Recchia Jr., Weprin and oddo

Whereas, Under current state law, possession of a loaded firearm is considered Criminal Possession of a Weapon in the Third Degree (Penal Law §265.02) and as such, is a class D felony that carries with it a maximum term of seven years imprisonment; and

Whereas, Also under current state law, possession of a loaded firearm with the intent to use the weapon unlawfully against another person is considered Criminal Possession of a Weapon in the Second Degree (Penal Law §265.03), and as such, is a class C felony that carries with it a maximum term of fifteen years imprisonment; and

Whereas, These statutory distinctions do not accurately reflect reality, as a person who carries a loaded firearm outside his or her home or place of business almost always does so with the intention of injuring others; and

Whereas, While New York continues to ensure the safety of its citizens, gun crimes continue to afflict New Yorkers and especially the victims and their grieving families, as guns have taken the lives of 7,000 individuals in New York State since 1999; and

Whereas, Guns are often used to carry out the most serious felonies, including sexual assaults and domestic violence, drug offenses, robbery, burglary and other property-related crimes, and according to the Bureau of Justice Statistics about 70% of all murders, 41% of all robberies, and 19% of all aggravated assaults in 2004 that were reported to the police were committed with a firearm in the United States; and

Whereas, Guns pose a serious risk to police officers, given that in the last six months of 2005, 11 New York City police officers were shot; and

Whereas, Bills have been introduced in the New York State Legislature that make Criminal Possession of a Weapon in the Third Degree a class C felony, illustrating that this amendment and stricter gun control mechanisms already garner support from members of the State Legislature; and

Whereas, Legislation that would increase the punishment for possession of a loaded firearm from a class D to a class C felony would not only demonstrate the State's interest and involvement in crime prevention, but as referenced by Mayor Bloomberg in his State of the City address, will serve as the proper penalty for the risk to public safety that a loaded firearm causes; now, therefore, be it

Resolved, That the Council of the city of New York calls upon the New York State Legislature to amend the Penal Law to categorize possession of a loaded firearm as a class C felony.

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LS#239