



## Legislation Text

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### Res. No. 937

Resolution calling upon the New York State Legislature to amend the Penal Law to increase criminal penalties for committing assault against and causing the death of auxiliary police officers, school safety agents, and traffic enforcement agents.

By Council Members Vallone Jr., Avella, Fidler, Gennaro, Gentile, Gonzalez, Nelson, Recchia Jr., Reyna, Seabrook, Sears, Stewart, Vacca, Weprin and Oddo

Whereas, The Auxiliary Police Program of the New York City Police Department (“NYPD”) is an invaluable vehicle for involving the community in promoting public safety through personal participation and volunteerism; the mission of auxiliary police officers is three-fold: to deter crime by performing uniformed patrol; to improve community relations; and to augment the police force in the event of an emergency or natural disaster; and

Whereas, The mission of the School Safety Division of the NYPD is to provide a safe environment that is conducive to learning, where students and faculty can be free from hostility and disruptions which could negatively impact the educational process; and

Whereas, The Traffic Control Division of the NYPD aims to reduce accidents, injuries, and deaths while maintaining and improving mobility on the streets and thoroughfares of New York City; its mission is to promote the safety and security of all persons who use the City’s streets and highways by ensuring the smooth flow of traffic; enhancing the safety of pedestrians, cyclists, and motorists; and enforcing all laws that affect traffic control; and

Whereas, While carrying out their respective missions and performing their duties, auxiliary police officers, school safety agents, and traffic enforcement agents face continual threats to their personal safety; and

Whereas, Two unarmed NYPD auxiliary police officers, Officers Nicholas Pekearo and Yevgeniy

Marshallik, were fatally shot while on duty in the Greenwich Village section of Manhattan during a confrontation with an armed suspect on the evening of March 14, 2007; and

Whereas, Also in March 2007, a 16-year-old student at a high school in Long Island City, Queens was charged with assault and harassment after allegedly attacking an NYPD school safety agent; the Long Island City high school student purportedly shoved and choked the school safety agent when the agent intervened after the disruptive student refused to leave the classroom at the request of a teacher; another incident occurring in March 2007 involved a 16-year-old student at a Jamaica, Queens high school who allegedly assaulted a school safety agent after resisting being frisked upon arrival at the school; the school safety agent was taken to a local hospital as a result of the attack, and the student was charged with two counts of assault, obstructing governmental administration, and resisting arrest; and

Whereas, In September 2006, an NYPD traffic enforcement agent was involved in a scuffle with a motorist over a parking ticket dispute; the motorist was allegedly parked in a no-standing zone, and as the traffic enforcement agent attempted to scan the motorist's registration in order to issue a ticket, the motorist purportedly grasped, twisted, and sprained the agent's wrist; and

Whereas, Auxiliary police officers, school safety agents, and traffic enforcement agents also have a visible crime prevention presence and consequently encounter persistent dangers akin to that of police officers and peace officers; currently, crimes of assault or manslaughter against auxiliary police officers, school safety agents, and traffic enforcement agents in the line of duty do not carry the same penalties of crimes of assault or manslaughter against police officers and peace officers; it must be recognized that auxiliary police officers, school safety agents, and traffic enforcement agents confront similar risks undertaken by police officers and peace officers in enforcing the law and ensuring public safety; 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 increase criminal penalties for committing assault against and causing the death of auxiliary police officers, school safety agents, and traffic enforcement agents.

JPV  
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