



Legislation Text

File #: Res 0773-2007, **Version:** A

Proposed Res. No. 773-A

Resolution calling upon the United States Congress to enact the Local Law Enforcement Hate Crimes Prevention Act of 2007, which would provide federal assistance to states and local jurisdictions to prosecute hate crimes.

By The Speaker (Council Member Quinn) and Council Members Vallone Jr., Mendez, Avella, Brewer, Dickens, Fidler, Foster, Gentile, Gonzalez, Koppell, Nelson, Recchia Jr., Seabrook, Sears, Vann, Weprin, Mark-Viverito, Sanders Jr., Gerson, Liu, White Jr., Yassky, Jackson and The Public Advocate (Ms. Gotbaum)

Whereas, According to the New York State Penal Law, a hate crime is a criminal act involving violence, intimidation, and destruction of property based upon bias and prejudice, in which victims are intentionally selected, in whole or in part, because of their race, color, national origin, ancestry, gender, religion, religious practice, age, disability, or sexual orientation; and

Whereas, Hate crimes do more than threaten the safety and welfare of all citizens; these crimes inflict incalculable physical and emotional damage on victims and tear at the very fabric of free society; crimes motivated by invidious hatred toward particular groups not only harm individual victims, but also send a powerful message of intolerance and discrimination to all members of the group to which the victim belongs; hate crimes can and do intimidate and disrupt entire communities and vitiate the civility that is essential to healthy democratic processes; in a democratic society, citizens are not required to approve of the beliefs and practices of others, but must never commit criminal acts on account of them; and

Whereas, The number of hate crimes in New York City increased from 239 in 2005 to 256 in 2006; and

Whereas, Recently, there have been several high-profile hate crime incidents occurring in New York City; in June 2005, 20-year-old Nicholas Minucci robbed and assaulted 23-year-old Glen Moore with an aluminum baseball bat while using racial epithets in Howard Beach, Queens; in June 2006, Kevin Aviance, a 38

-year-old singer, was taunted by anti-gay slurs and beaten unconscious by a group of young men after leaving a bar in the East Village section of Manhattan; also in June 2006, four African-American teenagers biking through Gerritsen Beach, Brooklyn were chased and threatened by a group of teenagers shouting racist remarks, leading to the beating of one of the African-American teens; in August 2006, four Asian men were attacked on Douglaston Parkway in Queens by two young men shouting racial slurs, resulting in the assault of two of the Asian men with a car antitheft steering lock; in October 2006, 29-year-old Michael Sandy was contacted through an Internet site for gay men, lured to a parking lot in Sheepshead Bay, Brooklyn, and beaten and chased into traffic on the Belt Parkway during a robbery attempt by four young men; Sandy was struck by a car and succumbed to his injuries five days later; also in October 2006, 24-year-old Shahid Amber, a Pakistani immigrant, was assaulted by teens yelling anti-Muslim statements; and

Whereas, There have been several hate crime incidents in New York City between September and October 2007; in late September, swastikas and hateful messages targeting Jews were spray-painted on buildings and vehicles in Brooklyn Heights, and leaflets with savage epithets were discovered in the area as well; in early October, a hangman's noose was found attached to the office door of an African-American professor at Teachers College at Columbia University; during the same week at Columbia University, a swastika and a caricature of a man wearing a yarmulke was drawn on a stall door in a bathroom in a campus building; following these incidents, the "N" word was found written on the top of a metal bench assigned to a Harlem high school football team at a game at a Staten Island high school; in addition, swastikas and anti-Semitic phrases were recently found written on walls and doors at a Manhattan high school and on an ambulance and a synagogue in Queens; and

Whereas, State and local authorities, including New York City, are responsible for prosecuting the overwhelming majority of crime in the United States, including violent crimes motivated by bias; these authorities can carry out their responsibilities more effectively with greater federal assistance; further, the problem of hate crimes is sufficiently serious, widespread, and national in scope as to warrant federal assistance

to states and localities; and

Whereas, In order to accomplish this significant objective, Michigan Representative John Conyers, Jr. introduced the Local Law Enforcement Hate Crimes Prevention Act of 2007 (H.R. 1592) and Massachusetts Senator Edward Kennedy introduced the companion bill, the Matthew Shepard Local Law Enforcement Hate Crimes Prevention Act of 2007 (S. 1105) in March and April 2007 respectively; and

Whereas, Among other provisions, these bills would: (1) authorize the United States Attorney General (“Attorney General”) to provide technical, forensic, prosecutorial, or other assistance in the criminal investigation or prosecution of any crime that constitutes a crime of violence under federal law or a felony under state law, and that is motivated by prejudice based on the race, color, religion, national origin, gender, sexual orientation, or disability of the victim or is a violation of the hate crime laws of the state; (2) authorize the Attorney General to award grants to assist state and local law enforcement officials with extraordinary expenses associated with hate crimes prosecution; and (3) direct the Office of Justice Programs to work closely with funded jurisdictions to ensure that the concerns and needs of all affected parties are addressed, and award grants to state and local programs designed to combat hate crimes committed by juveniles; and

Whereas, The House of Representatives passed H.R. 1592 on May 3, 2007; the bill was referred to the Senate Committee on the Judiciary, where it currently languishes; moreover, on September 27, 2007, the Senate agreed to extend federal hate crime protection to people victimized because of their sexuality by a voice vote without dissent on a hate crime provision attached to the defense authorization bill (H.R. 1585); however, it is doubtful that the Senate amendment will become enacted; and

Whereas, Recognizing the threat to public order and individual safety that hate crimes cause, as well as the gravity and compelling importance of preventing these offenses in New York City and throughout the nation; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the United States Congress to enact the Local Law Enforcement Hate Crimes Prevention Act of 2007, which would provide federal assistance to states

and local jurisdictions to prosecute hate crimes.

JPV
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10/18/07