



Legislation Text

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Proposed Int. No. 941-A

By Council Members Arroyo, Vallone, Jr., Recchia Jr., Avella, Baez, Comrie, Dickens, Gentile, James, Koppell, Liu, Mealy, Nelson, Palma, Sears and Jackson

A Local Law to amend the administrative code of the city of New York, in relation to criminal street gang initiation activity.

Be it enacted by the Council as follows:

Section 1. Declaration of legislative findings and intent. The Council hereby finds and declares that gang activity is capable of destroying lives and communities and should be deterred using all lawful means. The Council furthermore finds that initiation activities for gangs cause multiple harms. Such activities often cause the aspiring gang members to commit disruptive and potentially dangerous acts in the community. Additionally, when community members believe such activities are imminent, witness initiation activities, or experience random acts of disruption and violence through such activities, a sense of fear and foreboding permeates the community.

A recent federal study found that gang activity is prevalent in large urban centers and the Council finds that New York City, where gang activity is an on-going problem, is no exception. In recent years gang initiation has resulted in physical injury to innocent bystanders, the disruption of local businesses, and the spread of fear throughout local communities. The Council finds that the person being initiated is as culpable in these activities as the person leading the initiation. For all of these reasons, it is the finding and intent of the Council that such activity must be deterred in New York City by ensuring that such conduct be punishable as an A misdemeanor and that such penalty apply to all parties to unlawful initiation activity.

§ 2. Title 10 of the administrative code of the city of New York is amended by adding a new section 10-

170 to read as follows:

§10-170. Criminal street gang initiation activity.

a. A person is guilty of criminal street gang initiation activity when, in the course of his or her own or another person's initiation or affiliation into a criminal street gang, he or she:

1. intentionally or recklessly engages in conduct that creates a substantial risk of physical injury to another person; or

2. by physical menace, intentionally places or attempts to place another person in fear of death, imminent serious physical injury or physical injury.

b. For purposes of this section, a "criminal street gang" shall mean a group of three or more persons having as one of its substantial activities or purposes the commission of one or more of the felonies or misdemeanors defined in any of the following articles of the penal law: one hundred twenty, relating to assault and related offenses; one hundred twenty-five, relating to homicide; one hundred thirty, relating to sex offenses; one hundred thirty-five, relating to kidnapping, coercion and related offenses; one hundred forty, relating to burglary and related offenses; one hundred forty-five, relating to criminal mischief and related offenses; one hundred fifty, relating to arson; one hundred fifty-five, relating to larceny; one hundred sixty, relating to robbery; one hundred sixty-five, relating to theft; two hundred fifteen, relating to judicial proceedings; two hundred twenty, relating to controlled substances offenses; two hundred twenty-one, relating to offenses involving marihuana; two hundred twenty-five, relating to gambling offenses; two hundred thirty, relating to prostitution offenses or two hundred sixty-five, relating to firearms and other dangerous weapons; or harassment in the first or second degree or aggravated harassment in the second degree, as defined in article two hundred forty of the penal law.

c. Penalties. Any person who violates the provisions of this section shall be guilty of a class A misdemeanor.

§ 3. This local law shall take effect ninety days after its enactment into law.

11/20/09