



Legislation Text

File #: Res 1022-2025, **Version:** *

Res. No. 1022

Resolution calling on the New York State Legislature to pass, and the Governor to sign A.3992, which relates to criminal liability of corporations whose improper acts cause the death or physical injury of a person on an unmarked worksite.

By Council Member Louis

Whereas, In New York City, corporations engaged in the construction, renovation, or demolition of a building at a worksite are required to comply with laws and regulations at the Federal, State, and local levels that mandate the posting of proper signage to ensure public safety; and

Whereas, These laws are of particular importance in New York City, where construction is common, demonstrated by the more than 19,000 approved work permits across over 6,500 buildings submitted to the New York City Department of Buildings in 2024, and these worksites, when not properly secured or kept safe from entry, can pose serious danger to the public, such as the case of a Bronx teenager who suffered severe burns and other injuries due to a malfunctioning radiator, after entering and remaining at a construction site; and

Whereas, Worksites where construction companies have failed to post adequate signage to notify persons of construction, renovation, or demolition activities (“unmarked worksites”) are especially dangerous to the public, as they create hazardous conditions that increase the risk of serious injury to residents, visitors, and passersby who may have no way of knowing that dangerous work is underway; and

Whereas, As of June 30, 2025 there are nearly 700 active Department of Buildings Environmental Control Board violations for a failure to provide or post required signage at a job site pursuant to Building Code section 3301.9 highlighting the very real problem of unmarked worksites in New York City, where the high

population density magnifies the risks to residents, visitors, and passersby who may be unaware of the potentially hazardous conditions; and

Whereas, Under current statutes in the New York State Penal Law, corporations can be held criminally liable for damages arising from certain offenses; and

Whereas, In particular, the New York State Penal Law imposes criminal liability on corporations for particular offenses that harm persons or interests the State has a compelling interest in safeguarding; and

Whereas, Under current law, the State has demonstrated its compelling interest in protecting the environment and public welfare by explicitly imposing corporate criminal liability for violations of Title 27 of Article 71 of the Environmental Conservation Law, recognizing that corporations should be held accountable where their conduct endangers the health and safety of the broader community; and

Whereas, Corporations can also be held criminally liable when, through their negligent, reckless, intentional, or knowing conduct, they cause the death or serious physical injury of an employee, reflecting the State's interest in protecting workers from harm arising from unsafe corporate practices; and

Whereas, Just as the State has an interest in protecting the environment and workers, so too does the State have a vested interest in protecting people from preventable harm at unmarked worksites; and

Whereas, A.3992, sponsored in the 2025-2026 session by New York State Assemblymember Yudelka Tapia, would amend the New York State Penal Code to hold criminally liable corporations whose negligent, reckless, intentional or knowing acts cause the death or physical injury of a person on an unmarked worksite; and

Whereas, The State has a compelling interest in protecting individuals from harms caused by corporate negligence, and A.3992 would provide greater recourse for victims and their families in cases where a corporation's failure to mark a worksite results in injury or death; now, therefore, be it

Resolved, That the Council of the City of New York calls on the New York State Legislature to pass, and the Governor to sign A.3992, which relates to criminal liability of corporations whose improper acts cause

the death or physical injury of a person on an unmarked worksite.

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