



Legislation Text

File #: Res 0226-2010, **Version:** *

Res. No. 226

Resolution calling upon the New York State Assembly to pass and the Governor to sign A.10514, which would amend the Penal Law and the Criminal Procedure Law to increase penalties for physical assaults on the elderly and disabled.

By Council Members Van Bramer, Brewer, Chin, Ferreras, Fidler, Gentile, Mendez, Rodriguez, Vann, Williams and Nelson

Whereas, The elderly are among the most vulnerable members of our society and deserve special protection; and

Whereas, On April 5, 2010, an 81-year-old grandfather, who is a lifelong resident of Astoria, Queens, was viciously assaulted during a robbery outside of his apartment;

Whereas, The victim suffered extensive brain damage as a result from the attack; and

Whereas, The alleged assailant is a 23-year-old male with a prior criminal record including four robbery arrests and two assault arrests; and

Whereas, On March 10, 2007, a 101-year-old woman on her way to church was viciously assaulted and mugged outside of her Queens apartment;

Whereas, The victim suffered a broken cheek bone and spent three days in a hospital before being released; and

Whereas, Under current New York State Law, the assailant in this vicious assault on the 101-year-old victim would face only a misdemeanor charge; and

Whereas, Persons with visible disabilities are more likely to be targeted by criminals because they are perceived to be less likely to defend themselves or report the crime to law enforcement; and

Whereas, Persons who assault vulnerable members of society, such as the elderly and the disabled,

should face harsher criminal penalties; and

Whereas, Under current New York State Law, physical attacks on elderly persons are treated as Class A misdemeanor offenses, with a penalty of up to one year in prison; and

Whereas, A.10514, currently pending in the New York State Assembly, would make an assault on a person over seventy years of age or a person with a disability either a Class D violent felony, punishable by up to seven years in prison, or a Class E felony, punishable by up to four years in prison; and

Whereas, Enactment of this law would signify society's interest in protecting its most vulnerable members; and

Whereas, Enactment of this law would effectively set a standard and send a message that violence against the elderly is not acceptable and will not be tolerated; now, therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Assembly to pass and the Governor to sign A.10514, which would amend the Penal Law and the Criminal Procedure Law to increase penalties for physical assaults on the elderly and disabled.

WJH
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