



Legislation Text

File #: Res 0858-2011, Version: *

Preconsidered Res. No. 858

Resolution in support of S.1003-A/A.2494-B, which would amend the Criminal Procedure Law and the Family Court Act by requiring judges in criminal and family court proceedings to inquire as to the possession of a firearm by a defendant or respondent when an order of protection is issued.

By Council Members Mealy, Fidler, James, Koppell, Mendez, Weprin, Williams and Vacca

Whereas, Domestic violence continues to be a problem in New York City and around the country; and

Whereas, The physical actions of domestic violence abusers can range from pushing and shoving to beating, stabbing, and even shooting; and

Whereas, According to the New York City Domestic Violence Fatality Review Report, between 2002 and 2009, there were 543 family-related homicides; 26 percent of which involved a firearm; and

Whereas, Given that firearms were the cause of 142 family-related homicides in this time period, all steps should be taken to ensure that domestic violence abusers do not have ready access to firearms; and

Whereas, One protective measure available to victims is a family or criminal court order of protection, in which the judge can order a respondent or defendant to stay away from a victim's home, work place, or other location; and

Whereas, Current law allows judges to order, under certain circumstances, the revocation or suspension of a firearms license for domestic violence abusers and to order that they surrender the firearms they currently have; and

Whereas, Judges can also render domestic violence abusers ineligible for firearms licenses; and

Whereas, Upon issuing a temporary order of protection or an order of protection some judges inquire whether the defendant or the respondent possesses a firearm; and

Whereas, Not all judges make such an inquiry, despite its importance in protecting a victim; and

Whereas, New York State needs to pass stricter laws in order to identify all the firearms that can potentially cause harm to domestic violence victims; and

Whereas, In order to standardize the process of inquiring about firearms in the context of orders of protection, State Senator Jose Peralta and Assemblymember Daniel J. O'Donnell introduced S.1003-A/A.2494-B, which would amend the criminal procedure law and the family court act to require judges, upon issuing an order of protection, to inquire as to the ownership and location of a firearm by the defendant or respondent; and

Whereas, On March 29, 2011, the State Assembly passed the bill and it is now pending in the Senate; now, therefore, be it

Resolved, That the Council of the City of New York supports S.1003-A/A.2494-B, which would amend the Criminal Procedure Law and the Family Court Act by requiring judges in criminal and family court proceedings to inquire as to the possession of a firearm by a defendant or respondent when an order of protection is issued.

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