



## Legislation Text

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### Res. No. 567

Resolution calling on the New York State Legislature to pass, and the Governor to sign, S.5479/A.5260-A, which would increase criminal sanctions against people who assault retail workers.

By Council Members Velázquez, Yeger, Ung, Holden and Feliz

Whereas, S.5479, introduced by State Senator Jessica Scarcella-Spanton, and companion bill A.5260-A, introduced by Assembly Member Manny De Los Santos, seek to amend the New York State Penal Law by increasing criminal sanctions against people who assault retail workers; and

Whereas, According to a nationwide study published in July 2022 by the Bureau of Justice Statistics (BJS) and several other federal agencies, private sector retail sales workers experienced nonfatal workplace violence at a rate of 10.7 per 1,000 workers age 16 or older between 2015 and 2019, far exceeding the national average of 6.1 per 1,000 private sector workers age 16 or older; and

Whereas, Private sector retail sales workers experienced 17% of all nonfatal workplace violence, including assault, during the study period, despite making up only 9% of private sector workers; and

Whereas, The total number of assaults reported in nationwide Federal Bureau of Investigation (FBI) statistics increased by 42% between 2018-2020, as reflected in data submitted to the FBI by a number of local law enforcement agencies, and as reported in the *New York Times*; and

Whereas, Assaults reported to have occurred in grocery and convenience stores increased by 63% and 75%, respectively, over the same time period and in the same data; and

Whereas, All misdemeanor assaults reported in New York City have increased by 6.5% in the first three months of 2023, as measured by year-over-year data published by the New York Police Department (NYPD); and

Whereas, Annual data published by the NYPD show that the total number of misdemeanor assaults, defined as assault in the third degree and related offenses, have risen from a two-decade low reached in 2020, increasing by 9% in 2021 and 13% in 2022; and

Whereas, With crime increasing across the country, so have assaults against retail workers, according to the Memorandum of Support submitted for S.5479/A.5260-A; and

Whereas, In a 2022 National Retail Federation survey of 63 senior loss prevention and security executives at retail companies, 81.2% of respondents reported that aggression and violence associated with organized retail crime had increased over the past year, and 77.6% of respondents reported that concerns about violent customer behavior towards staff had increased over the past five years; and

Whereas, New York State criminal law does not currently treat assault on retail workers in a manner commensurate with either the occupational hazards faced by these workers or the invaluable service they provide to all New Yorkers; and

Whereas, Public sector transportation workers and private sector retail sales workers experienced nonfatal workplace violence at similar rates during the BJS study period, affecting 8.5 of every 1,000 transportation workers age 16 or older and 10.7 of every 1,000 retail sales workers age 16 or older; and

Whereas, In June 2022, the New York State Legislature passed, and the Governor signed, A.10491/S.9468, which amended the Penal Law to treat assault as a Class D felony when it is committed against public-facing transportation workers, expanding the range of positions so-treated in accordance with their status and role as essential workers; and

Whereas, The present legislation seeks to accomplish the same goal by the same means, and would further extend critical protection to a range of workers who interact with the public in a retail capacity, including pharmacists and pharmacy employees; and

Whereas, Amending the New York State Penal Law to treat assault committed against a retail worker as a Class D felony will signal that retail workers are deserving of full protection under the criminal law; now,

therefore, be it

Resolved, That the Council of the City of New York calls upon the New York State Legislature to pass, and the Governor to sign, S.5479/A.5260-A, which would increase criminal sanctions against people who assault retail workers.

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3/23/2023  
HB