



Legislation Text

File #: Res 0078-2004, **Version:** A

Res. No. 78-A

Resolution calling upon the New York State Legislature to amend various sections of the Penal Law to better combat illegal gun trafficking.

By Council Members Vallone Jr., Yassky, Brewer, Felder, Fidler, Foster, Gennaro, Gentile, Gerson, Jackson, Jennings, Koppell, Liu, Nelson, Quinn, Sears, Weprin, Boyland, Recchia Jr., Reed, Clarke, Seabrook and The Public Advocate (Ms. Gotbaum)

Whereas, Although great progress has been made in lowering crime rates in New York City, stopping the flow of illegal guns is critically important in continuing to keep crime down, and in reducing the numbers of gun-related injuries and death; and

Whereas, Current law requires a sale of up to ten firearms before prosecution and conviction for criminal sale of a firearm in the second degree can be obtained, and up to twenty firearms be sold before prosecution and conviction for criminal sale of a firearm in the first degree can be obtained; and

Whereas, Current law sets a dangerous and unrealistically high threshold of how many firearms must be sold before prosecution and conviction for criminal sale of a firearm can be obtained; and

Whereas, Law enforcement officials who are charged with investigating illegal gun traffickers have stated that a professional gunrunner will offer for sale a low number of firearms to avoid the current thresholds required by law; and

Whereas, Current law requires that law enforcement officials proceed with a gun trafficking investigation until a sale is completed before they can make an arrest for criminal sale of a firearm, which keeps these officials in harm's way even longer than necessary; and

Whereas, As tragically revealed by the shooting deaths in 2003 of two undercover New York City Police

Department detectives who were attempting to buy weapons in order to keep these dangerous instruments off our streets, it is imperative that we do everything possible to make gun trafficking arrests and prosecutions smoother; and

Whereas, In order to stop the flow of illegal firearms, it is necessary to make the thresholds under current law more realistic, and thus the number of firearms sold in order to secure a conviction for criminal sale of a firearm in the second degree should be reduced from ten to three, and the number of firearms sold in order to secure a conviction for criminal sale of a firearm in the first degree should be reduced from twenty to ten; and

Whereas, Further, amending the Penal Law with respect to possession of firearms with intent to sell would allow law enforcement officials to apprehend gunrunners quickly and safely; this goal can be accomplished by adding possession of three or more firearms with intent to sell as part of criminal sale of a firearm in the second degree, and by adding possession of ten or more firearms with intent to sell as part of criminal sale of a firearm in the first degree, and also by amending the Penal Law by reducing the number of firearms from five to three to be presumptive evidence of possession with intent to sell; and

Whereas, Such amendments to the Penal Law are imperative so that the law actually reflects what is occurring on our streets, and that the effectiveness of gun interdiction efforts are increased; now, therefore, be it Resolved, That the Council of the City of New York calls upon the New York State Legislature to amend various sections of the Penal Law to better combat illegal gun trafficking.