

**RESOLUTION NO. 1073 -2009, ADOPTING LOCAL LAW
NO. 42 -2009, A LOCAL LAW PROHIBITING SEX OFFENDERS
FROM LIVING NEAR THEIR VICTIMS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on October 13, 2009, a proposed local law entitled, "**A LOCAL LAW PROHIBITING SEX OFFENDERS FROM LIVING NEAR THEIR VICTIMS**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

**LOCAL LAW NO. 42 -2009, SUFFOLK COUNTY, NEW YORK
A LOCAL LAW PROHIBITING SEX OFFENDERS FROM LIVING
NEAR THEIR VICTIMS**

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the crimes committed by sex offenders frequently leave their victims with significant emotional and psychological wounds, in addition to any physical harm caused.

This Legislature also finds and determines that victims of sex crimes may easily feel revictimized by seeing or speaking with their attacker.

This Legislature finds that, consequently, some sex offenders must refrain from contacting their victims as a condition of their supervision.

This Legislature further finds and determines that sex offenders often prey on victims in their own neighborhoods, particularly children.

This Legislature further finds that victims of sex offenders and their parents/guardians should possess a legal mechanism which they can utilize to prevent individuals who harmed them from living near their home or workplace upon their release from incarceration.

Therefore, the purpose of this law is to amend Chapter 428 of the SUFFOLK COUNTY CODE to prohibit registered sex offenders from living in close proximity to their prior victims' homes and workplaces.

Section 2. Amendments.

Chapter 428 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 428. Sex Offenders.

§428-3. Residence Limitation.

- A. It shall be unlawful for all registered sex offenders to reside within 1/4 mile of the property line of any school, including, but not limited to, any public or private nursery, elementary, middle or high school; or a licensed day-care center; or a playground; or the residence or principal place of employment of the victim(s) of their crime(s).

- B. No shelter or housing accommodation shall permit or cause the placement of any registered sex offender if such shelter or housing accommodation is within 1/4 mile of the property line of any school, including, but not limited to, any public or private nursery, elementary, middle or high school; or a licensed day-care center; or a playground; or the residence or principal place of employment of the victim(s) of their crime(s).

- C. The residence prohibition established by this section shall remain in effect for as long as the offender is classified as a registered sex offender.

Section 3. Applicability.

This law shall apply to actions occurring on or after the effective date of this law, except that the residency restriction provided for in this law shall not apply to registered sex offenders who have established a residence prior to the effective date of this law or are required by court order to reside at a certain location.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

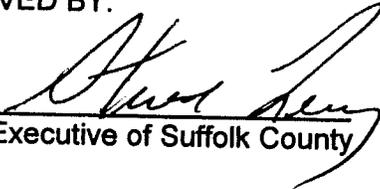
Section 6. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: December 1, 2009

APPROVED BY:



County Executive of Suffolk County

Date:

DEC 22 2009

After a public hearing duly held on December 21, 2009
Filed with the Secretary of State on January 13, 2010

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the
of the County of Suffolk, have compared the foregoing copy of resolution with the
original resolution now on file in this office, and which was duly adopted by the
County Legislature of said County, on December 1, 2009, and signed by the
County Executive on December 22, 2009, after a public hearing duly held on
December 21, 2009 and filed with the Secretary of State on January 13, 2010
and that the same is a true and correct transcript of said resolution and of the whole
thereof.

In Witness Whereof, I have hereunto set my hand and the official
Seal of the County Legislature of the County of Suffolk on

Tim Laube

Clerk of the County Legislature

Intro. Res. 1895 Res. No. 1073

December 1, 2009

Motion:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Brian BEEDENBENDER					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Cameron ALDEN					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	18				

MOTION
<input checked="" type="checkbox"/> Approve
Table: _____
Send To Committee
Table Subject To Call
Lay On The Table
Discharge
Take Out of Order
Reconsider
Waive Rule _____
Override Veto
Close
Recess
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
NOT ADOPTED

Tim Laube
 Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote