

Intro. Res. No. 1228-2010

Laid on Table 3/2/2010

Introduced by Legislators Gregory, Horsley, Muratore, Romaine, Schneiderman, Browning, Losquadro, Vilorio-Fisher, and Cooper

**RESOLUTION NO. 284 -2010, ADOPTING LOCAL LAW
NO. 17 -2010, A LOCAL LAW TO EXPAND SUFFOLK
COUNTY'S LAW AGAINST BIAS ACTS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on March 2, 2010, a proposed local law entitled, "**A LOCAL LAW TO EXPAND SUFFOLK COUNTY'S LAW AGAINST BIAS ACTS**"; now, therefore be it

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

LOCAL LAW NO. 17 -2010, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO EXPAND SUFFOLK COUNTY'S LAW AGAINST
BIAS ACTS**

**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 bias-related incidents based on the race, color, nationality, national origin, ancestry, gender, religion, age, disability and sexual orientation continue to exist in Suffolk County.

This Legislature also finds and determines that Local Law No. 1-2000, codified as Article III of Chapter 89 of the SUFFOLK COUNTY CODE, established a prohibition on bias acts and imposed civil penalties on individuals who committed acts of vandalism, property damage or threats based on such biases.

This Legislature further finds and determines that, since the implementation of Local Law No. 1-2000, Suffolk County has seen an increase in the number of bias-related violent acts against individuals.

This Legislature finds that these acts are just as unacceptable, if not more so, as the acts already subject to civil penalties under the Code.

This Legislature determines that bias-related violent acts should be added to Chapter 89 of the SUFFOLK COUNTY CODE as acts subject to civil sanctions.

Therefore, the purpose of this law is to amend Chapter 89 of the SUFFOLK COUNTY CODE to include bias-related violent acts as being subject to civil penalties.

Section 2. Amendments.

Chapter 89 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

Chapter 89. HUMAN RIGHTS COMMISSION

Article III, Bias Acts.

§ 89-10. Prohibition of bias-related activities.

D. No person shall, by reason of any motive or intent relating to, or any antipathy, animosity or hostility based upon, the race, color, gender, religion, national origin, age, ancestry, sexual orientation, disability, handicap or health-related condition of another individual or group of individuals, commit an offense described in Section 485.05(3) of the New York State Penal Law.

E. Implementation of provisions; enforcement.

(1) The Suffolk County Human Rights Commission is hereby authorized to promulgate and issue such rules and regulations as shall be necessary and sufficient to implement this law.

(2) The Suffolk County Human Rights Commission shall enforce this law by referring the civil proceedings to the County Department of Law.

Section 3. Penalty civil in nature.

Any penalty assessed against a person pursuant to this law shall be civil, remedial and in personam in nature; and shall not be deemed to be a criminal penalty or criminal forfeiture for any purpose.

Section 4. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 5. 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 6. 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 7. 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: April 27, 2010

APPROVED BY:

/s/ Steve Levy
County Executive of Suffolk County

Date: May 12, 2010

After a public hearing duly held on May 10, 2010
Filed with the Secretary of State on June 10, 2010