Intro. Res. No. 1512-2010 Laid on Table 5/11/2010
Introduced by Legislators Gregory, Cooper and Browning

RESOLUTION NO. 666 -2010, ADOPTING LOCAL LAW NO. 39 -2010, A LOCAL LAW ESTABLISHING A GUN OFFENDER REGISTRY IN SUFFOLK COUNTY

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on May 11, 2010, a proposed local law entitled, "**A LOCAL LAW ESTABLISHING A GUN OFFENDER REGISTRY IN SUFFOLK COUNTY**"; now, therefore be it

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

LOCAL LAW NO. 39 -2010, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW ESTABLISHING A GUN OFFENDER REGISTRY IN SUFFOLK COUNTY

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 Suffolk County is experiencing an increase in violent crimes involving the use of guns.

This Legislature further finds and determines that one way to combat violent crime is to target the proliferation of illegal guns in our community.

This Legislature finds that, while many gun offenses are not violent crimes, individuals convicted of violent crimes frequently have prior gun offenses on their record.

This Legislature determines that, in an effort to stem the flow of guns into their communities, New York City and Baltimore, Maryland established gun offender registries, a database for law enforcement officials containing information about persons convicted of gun offenses in those cities.

This Legislature also finds that since the establishment of gun offender registries, New York City and Baltimore have seen a decline in the number of fatal and non-fatal shootings. Additionally, New York City has documented a decrease in the number of illegal guns on the city's streets.

This Legislature further finds that Suffolk County should establish a gun offender registry to help curtail the proliferation of illegal guns and gun-related crimes in the County.

Therefore, the purpose of this law is to establish a Suffolk County Gun Offender Registry to be used by law enforcement officials.

Section 2. Definitions.

As used in this law, the following terms shall have the meanings indicated:

"CAREER EDUCATION" shall be defined as organized educational programs offering a sequence of courses which are directly related to the preparation of individuals in paid or unpaid employment in current or emerging occupations requiring other than a baccalaureate or advanced degrees, and shall include vocational and occupational education.

"CONVICTED OF" shall be defined as an adjudication of guilt by any court of competent jurisdiction, whether upon a verdict or plea of guilty or nolo contendre.

"DEPARTMENT" shall be defined as the Suffolk County Police Department.

"GUN OFFENDER" shall be defined as any person who is convicted of a gun offense as defined in this law. This shall not include any person whose conviction for a gun offense has been reversed upon appeal or has been pardoned for all gun offenses by the governor.

"GUN OFFENSE" shall be defined as the unlawful possession or use of a firearm in the commission of one of the following enumerated crimes: criminal possession of a weapon in the third degree, as defined in subsections 4, 5, 6 7, 8 of New York State Penal Law § 265.02 and criminal possession of a weapon in the second degree, as defined in subsection 3 of New York State Penal Law § 265.03.

"HIGHER EDUCATION" shall be defined as education in advance of secondary education, and includes the work of colleges, universities, professional and technical schools, and educational work connected with libraries, museums, university and educational extension courses and similar agencies.

"SECONDARY EDUCATION" shall be defined as instruction of academic grade, between the elementary grades and the college or university.

Section 3. Creation of a Gun Offender Registry.

A registry is hereby created which shall contain the names, residence and identifying information of individuals living in Suffolk County who are convicted of a gun offense. All further administration of this law shall be the responsibility of the Department.

Section 4. Registration Requirements.

A) Any person convicted of a gun offense in Suffolk County must register with the Gun Offender Registry administered by the Department.

B) When registering, a gun offender shall personally report to the Department and provide the following information, with verifying documentation:

(1) The gun offender's name;
(2) Any aliases they are known under;
(3) Their residential address;
(4) Date of birth;
(5) A physical description of the gun offender;
(6) A photograph, to be taken by the Department and updated during the period of registration;

(7) A description of the offense for which the gun offender was convicted, the date of conviction and the sentence imposed;
(8) The name and address of any institution of career education, higher education or secondary education at which the gun offender is or expects to be enrolled or attending, and whether such offender resides in or will reside in a facility owned or operated by such institution;
(9) The gun offender's expected place of employment, including the name and phone number of a supervisor and mailing address of employer; and
(10) Any other information required pursuant to the rules and regulations adopted by the Commissioner of the Suffolk County Police Department.

C) A gun offender who is required to register must do so within forty-eight hours of i) his or her release from incarceration, if the gun offender receives a sentence of imprisonment, or ii) the imposition of a sentence for a gun offense, if such sentence does not include imprisonment.

D) For a gun offender who resides in the County of Suffolk and is subject to the registration requirements of this law, the following shall apply:

(1) The gun offender shall report to the department annually within twenty days of the anniversary of the gun offender's initial registration and verify the information required under subdivision B of this section with the registry. A new photograph and verifying documentation may be required by the Department.

(2) If a gun offender required to register under this law is confined to any correctional facility, hospital or institution throughout the twenty day period established in paragraph 1 of this subdivision, such gun offender shall report to the Department and verify the information as required under subdivision B of this section within forty eight hours of his or her release from confinement.

E) Any gun offender required to register under this law must provide notice to the Department within ten calendar days of establishing a new residence within the County of Suffolk. Verifying documentation of the residence change must be submitted with the gun offender's notification.

Section 5. Duration of Registration and Verification.

A gun offender shall register and verify his or her personal information for a period of four years from the date of initial registration.

Section 6. Penalties.

Any violation of this law by a gun offender, including failure to register or verify information as required, shall be guilty of an unclassified misdemeanor punishable by a fine of up to $1,000 and/or up to one year's imprisonment.

Section 7. Fees.

Each person required to register with the Gun Offenders Registry must pay an annual fee of twenty-five dollars ($25.00). These funds will be used to pay the administrative costs of maintaining the Registry.

Section 8. Sharing of Registration Information.

The Commissioner of the Suffolk County Police Department may make the information collected under this law available to any federal, state or local law enforcement agency.

Section 9. Promulgation of Rules and Regulations.

The Commissioner of the Suffolk County Police Department is hereby authorized and empowered to promulgate such rules and regulations as deemed necessary to implement this law.

Section 10. Applicability.

This law shall apply to all individuals convicted of a gun offense on or after the effective date of this law.

Section 11. 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 12. 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 13. Effective Date.

This law shall take effect on the one hundred eightieth (180th) day immediately subsequent to filing in the Office of the Secretary of State.

DATED: June 22, 2010

EFFECTIVE PURSUANT TO SECTION 2-15(D) OF THE SUFFOLK COUNTY CHARTER, RETURNED BY THE COUNTY EXECUTIVE UNSIGNED JULY 26, 2010

After a public hearing duly held on July 6, 2010
Filed with the Secretary of State on August 4, 2010

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY

This is to Certify That I, TIM LAUBE, Clerk of the County Legislature 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 June 22, 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.

Tim Laube

Clerk of the Legislature

Intro. Res. 1512 Res. No. 1010 June 22, 2010

Motion:
Romaine, Schneiderman, Browning, Muratore, Losquadro
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
Romaine, Schneiderman, Browning, Muratore, Losquadro
Eddington, Montano, Cilmi, Lindsay, Viloria-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
Romaine, Schneiderman, Browning, Muratore, Losquadro
Eddington, Montano, Cilmi, Lindsay, Viloria-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	Thomas MURATORE	✓				
6	Daniel P. LOSQUADRO	✓				
7	Jack EDDINGTON	✓				
9	Ricardo MONTANO	✓				
10	Thomas CILMI	✓				
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	17	—	—	1	—

MOTION

X 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 X FAILED ___
No Motion ___ No Second ___

RESOLUTION DECLARED

X ADOPTED
___ NOT ADOPTED

Roll Call ___ Voice Vote X

Tim Laube, Clerk of the Legislature