

**RESOLUTION NO. 1120 -2010, ADOPTING LOCAL LAW  
NO. 3 -2011, A LOCAL LAW TO REQUIRE HOMELESS SEX  
OFFENDERS TO REPORT THEIR OVERNIGHT LOCATIONS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on September 16, 2010, a proposed local law entitled, "**A LOCAL LAW TO REQUIRE HOMELESS SEX OFFENDERS TO REPORT THEIR OVERNIGHT LOCATIONS;**" now, therefore be it

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

**LOCAL LAW NO. 3 -2011, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO REQUIRE HOMELESS SEX OFFENDERS TO  
REPORT THEIR OVERNIGHT LOCATIONS**

**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 sex offenders in New York State are required under the Sex Offender Registration Act ("SORA") to provide their permanent residence address to the State Division of Criminal Justice Services.

This Legislature also finds and determines that each time a sex offender moves to a new residence, they must update their registration under SORA.

This Legislature further finds and determines that homeless registered sex offenders are more difficult for the State and County to track, as they have no permanent address on file.

This Legislature finds that Suffolk County provides overnight accommodations for some homeless sex offenders in trailers at Riverhead and West Hampton.

This Legislature determines that some homeless sex offenders do not utilize the County's trailers, making it difficult to determine their whereabouts on any particular night.

This Legislature also finds that sex offenders have a high rate of recidivism.

This Legislature further finds that allowing homeless sex offenders to move from community to community each night without reporting where they are staying puts the public safety at risk.

Therefore, the purpose of this law is to require homeless sex offenders living in Suffolk County to report their whereabouts to the Suffolk County Police Department each night.

**Section 2. Definitions.**

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

“HOMELESS SEX OFFENDER” shall mean any natural person required to register as a sex offender pursuant to the New York State Sex Offender Registration Act, has so registered, and who does not have a permanent residence on file.

**Section 3. Reporting Requirement.**

Any homeless sex offender present in Suffolk County must report their overnight location to the Suffolk County Police Department by 11:59 p.m. each day.

**Section 4. Establishment of Homeless Sex Offender Reporting Line.**

- A.) The Suffolk County Police Department is hereby authorized, empowered and directed to establish a toll free number dedicated to receiving calls from homeless sex offenders to report a detailed physical description of their overnight lodging location.
- B.) The Suffolk County Police Department shall, to the fullest extent practicable, notify sex offenders residing in Suffolk County who are currently registered as homeless and any new sex offender registrant who establishes him or herself in Suffolk County as undomiciled, of the reporting requirement found in Section 3 of this law and obtain a signed verification of receipt of the reporting requirement from sex offenders.
- C.) If a homeless sex offender reports his or her location in a town or village outside the boundaries of the Suffolk County Police District, the Police Department upon being informed of the sex offender’s whereabouts, shall as soon as practicable, notify the police agency whose geographical jurisdiction encompasses the location of the anticipated overnight location of said homeless sex offender

**Section 5. Penalties.**

Any person who violates this law once shall be guilty of a misdemeanor punishable by a fine of up to \$1,000 and/or up to one year’s imprisonment.

**Section 6. Applicability.**

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

**Section 7. 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 8. SEQRA Determination.**

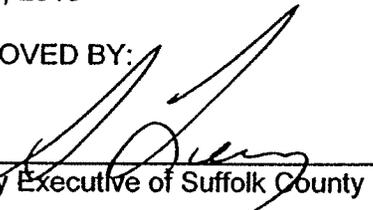
This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning 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 9. Effective Date.**

This law shall take effect on the ninetieth (90<sup>th</sup>) day following its filing in the Office of the Secretary of State.

DATED: December 7, 2010

APPROVED BY:

  
\_\_\_\_\_  
County Executive of Suffolk County

Date: **JAN 07 2011**

After a public hearing duly held on December 20, 2010  
Filed with the Secretary of State on January 20, 2011

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 December 7, 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. 1939

Res. No. 1120

December 7, 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		18					

**MOTION**

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       FAILED \_\_\_  
 No Motion \_\_\_      No Second \_\_\_

**RESOLUTION DECLARED**

ADOPTED  
 \_\_\_ NOT ADOPTED

*Tim Laube*

Tim Laube, Clerk of the Legislature

Roll Call \_\_\_ Voice Vote