Intro. Res. No. 1689-2011
Introduced by Legislator Cooper

Laid on Table 8/2/2011

RESOLUTION NO. 753 -2011, ADOPTING LOCAL LAW NO. 46 -2011, A LOCAL LAW MANDATING PROMPT REPORTING OF CHILDREN MISSING IN SUFFOLK COUNTY ("CAYLEE'S LAW")

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 2, 2011, a proposed local law entitled, "**A LOCAL LAW MANDATING PROMPT REPORTING OF CHILDREN MISSING IN SUFFOLK COUNTY ("CAYLEE'S LAW")**;" now, therefore be it

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

LOCAL LAW NO. 46 -2011, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW MANDATING PROMPT REPORTING OF CHILDREN MISSING IN SUFFOLK COUNTY ("CAYLEE'S LAW")

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 over 2,000 children go missing in the United States each day.

This Legislature also finds and determines that prompt reporting of a missing child is important to aid in their swift and safe return.

This Legislature further finds and determines that since 2008, the nation has been gripped by the story of Caylee Anthony, a young child who went missing and was eventually found dead.

This Legislature finds that Caylee Anthony was not reported missing by her mother for 31 days after her initial disappearance.

This Legislature determines that parents and guardians who have been entrusted with the care of a child should be obligated to report their child missing within 24 hours or face serious consequences for failure to do so.

This Legislature also finds that failure to report a child missing within 24 hours should be a criminal act subject to significant penalties.

Therefore, the purpose of this law is to require a parent or guardian of a child to report their child missing within 24 hours of discovering the child's disappearance.

Section 2. Definitions.

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

"GUARDIAN" shall mean any natural person who has been charged with ensuring the safety and well-being of a minor for a period of twenty-four (24) hours or longer. This term shall not apply to any person responsible for a minor for less than a twenty-four (24) hour period.

"LAW ENFORCEMENT" shall mean the Suffolk County Police Department or, if the minor goes missing outside of the Police District, a town or village police department.

"MINOR" shall mean any natural person under the age of eighteen (18) years.

"PARENT" shall mean the mother or father of a minor.

Section 3. Requirements.

If a minor goes missing in the County of Suffolk, the minor's parent or guardian must report same to law enforcement within 24 hours of discovering the minor's disappearance.

Section 4. Penalties.

Violation of this law shall constitute an unclassified misdemeanor, punishable by a fine of up to one thousand dollars ($1,000.00) and/or up to one year's imprisonment.

Section 5. Applicability.

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

Section 6. 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 7. 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 8. Effective Date.

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

DATED: September 15, 2011

APPROVED BY:

County Executive of Suffolk County

Date: OCT 1 2 2011

After a public hearing duly held on October 4, 2011
Filed with the Secretary of State on October 28, 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 September 15,2011 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. 1689 Res. No. 753 September 15, 2011

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

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

Second:
Romaine, Schneiderman, Browning, Muratore, Anker
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	Sarah S. ANKER	✓				
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

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

Tim Laube, Clerk of the Legislature