

Intro. Res. No. 1850-2016  
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 9/7/2016

**RESOLUTION NO. 1000 -2016, ADOPTING LOCAL LAW  
NO. 35 -2016, A LOCAL LAW TO AMEND SECTION A13-10 OF  
THE SUFFOLK COUNTY ADMINISTRATIVE CODE TO  
AUTHORIZE THE USE OF PROPERTY HELD BY THE POLICE  
PROPERTY BUREAU IN LAW ENFORCEMENT OPERATIONS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a regular meeting held on September 7, 2016, a proposed local law entitled, "**A LOCAL LAW TO AMEND SECTION A13-10 OF THE SUFFOLK COUNTY ADMINISTRATIVE CODE TO AUTHORIZE THE USE OF PROPERTY HELD BY THE POLICE PROPERTY BUREAU IN LAW ENFORCEMENT OPERATIONS**"; and said local law in final form is the same as when presented and introduced; now, therefore be it

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

**LOCAL LAW NO. 35 -2016, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW TO AMEND SECTION A13-10 OF THE  
SUFFOLK COUNTY ADMINISTRATIVE CODE TO  
AUTHORIZE THE USE OF PROPERTY HELD BY THE  
POLICE PROPERTY BUREAU IN LAW ENFORCEMENT  
OPERATIONS**

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

**Section 1. Legislative Intent.**

This Legislature finds and determines that property held by the Suffolk County Police Property Bureau consists, in part, of stolen and abandoned property.

This Legislature further finds that the Suffolk County Police Department does not have the resources available to purchase property to use in compliance check operations at precious metal and gem exchange establishments and dealers in secondhand articles.

This Legislature also finds that under the current local law, the Police Department cannot use stolen or abandoned property in compliance check operations.

This Legislature further finds that stolen property is often sold to precious metal and gem exchange establishments or dealers in secondhand articles by drug addicted people, and the cash received from such transactions are often used to sustain their drug addiction.

This Legislature also finds that some precious metal and gem exchange establishments and dealers in secondhand articles may not properly document such transactions and may not abide by Suffolk County's required record keeping laws.

This Legislature also finds that by conducting compliance check operations at precious metal and gem exchange establishments and dealers in secondhand articles, the

Police Department will be able to more effectively investigate and prosecute persons who sell stolen property, reduce the ability of drug addicts to fund their addiction with stolen property proceeds, and more efficiently enforce the provisions of Chapter 563, Articles IV and V of the Suffolk County Code, commonly known as “Precious Metal and Gem Exchanges” and “Dealers in Secondhand Articles.”

This Legislature further finds that § 1310 of the New York State Abandoned Property Law was amended by the State Legislature in 1981 to shorten from six to two years the period for which an entity is required to hold unclaimed abandoned property before the entity may request that the State Comptroller receive such property.

This Legislature also finds that since §A13-10 of the Suffolk County Administrative Code still refers to such period as being six years, § A13-10 of the Suffolk County Administrative Code should be amended so as to be consistent with §13-10 of the State Abandoned Property Law.

Therefore, the purpose of this local law is to amend Section A13-10 of the Suffolk County Administrative Code to authorize the Police Commissioner to use stolen and abandoned property held by the Suffolk County Police Property Bureau during compliance check operations at precious metal and gem exchange establishments and dealers in secondhand articles.

## **Section 2. Amendment.**

Section A13-10 of the SUFFOLK COUNTY ADMINISTRATIVE CODE is hereby amended to read as follows:

### **Article XIII: Department of Police**

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#### **§ A13-10 Disposition of property held by Police Property Bureau**

A. Stolen property. Pursuant to the provisions of § 450.10 of the Penal Law, stolen funds or property shall be returned to the true owner, if claimed, subject to court order. If said stolen property is not claimed by the true owner after the expiration of six months from the date of conviction of a person for stealing said property, and provided that all court appeals have been finalized, it shall be treated as follows:

(1) If said stolen property is cash, it shall be paid by the Police Commissioner to the County Comptroller within 10 days after the expiration of the aforesaid six-month period or after all court appeals have been finalized. The County Comptroller shall deposit the funds in an appropriate account so that they can be applied to the benefit of the poor of the County by the Commissioner of Social Services as required by law.

(2) If said property is in a form other than cash and can legally be sold, the Police Commissioner shall auction said property to the highest bidder and turn over the proceeds realized in connection with said auction to the County Comptroller, who shall follow the procedures in Subsection A(1) of this section.

(3) In the case of property in a form other than cash that the Police Commissioner determines would aid law enforcement operations within the County by being used in

compliance checks, the Police Commissioner may, instead of auctioning said property, use and sell said property during law enforcement operations at precious metal and gem exchange establishments and dealers in secondhand articles. The Police Commissioner shall turn over the proceeds realized in connection with said sale to the County Comptroller, who shall follow the procedures in Subsection A(1) of this section.

B. Lost and found property and abandoned property.

- (1) Abandoned property, which has remained unclaimed for a period of [six] two years, and which the State Comptroller has elected not to receive pursuant to § 1310 of the Abandoned Property Law; and
- (2) Lost property and money constituting the proceeds of lost property, remaining unclaimed by the owner or finder, which is subject to disposal according to the provisions in Subdivision 3 of § 254 of the Personal Property Law, shall:

(a) If consisting of money and:

- [1] Taken possession of by an employee of the County Police Department, be paid by the Police Commissioner to the County Comptroller for deposit into the general fund[.]; or
- [2] Taken possession of by an employee of the Police Department, be paid by the Police Commissioner to the County Comptroller for deposit into the Police District fund.

(b) If consisting of other property, the Police Commissioner shall, at public auction, sell said property to the highest bidder and turn over the proceeds from its sale to the County Comptroller, who shall follow the procedures in Subsection B(2)(a) of this section. Such proceeds shall be considered to have been taken in possession by the employee who took possession of the property out of which such proceeds were derived.

(c) For abandoned property as described in Subsection B(1) of this section and which is in a form other than cash, if the Police Commissioner determines that said property would aid law enforcement operations within the County by being used in compliance checks, the Police Commissioner may, instead of auctioning said property, use and sell said property during law enforcement operations at precious metal and gem exchange establishments and dealers in secondhand articles. The Police Commissioner shall turn over the proceeds realized in connection with said sale to the County Comptroller, who shall follow the procedures in Subsection B(1)(a) of this section.

C. The Police Commissioner is hereby authorized and empowered to promulgate rules and regulations necessary to implement this section.

D. [C.] This section shall apply to all funds in possession of the Suffolk County Police Department and/or District Property Bureau(s) and to any funds which come into the possession of the Suffolk County Police Department and/or District Property Bureau(s).

**Section 3. Applicability**

This law shall apply to all property held by the Suffolk County Police Property Bureau on or after the Effective Date of this law.

**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 lead agency under the State Environmental Quality Review Act ("SEQRA"), N.Y. Environmental Conservation Law Article 8 and Chapter 450 of the Suffolk County Code, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS ("NYCRR") in that the action constitutes routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment. 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 resolution.

**Section 6. Effective Date.**

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

[ ] Brackets denote deletion of language.  
\_\_\_ Underlining denotes addition of new language.

DATED: November 22, 2016

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: December 14, 2016

After a public hearing duly held on December 5, 2016  
Filed with the Secretary of State on December 28, 2016