

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
COUNTY EXECUTIVE

December 17, 2009

Presiding Officer William J. Lindsay and
Members of the Suffolk County Legislature
William H. Rogers Legislative Building
725 Veterans Memorial Highway
Smithtown, New York 11787

**RE: RESOLUTION 963-2009; A LOCAL LAW TO AUTHORIZE A COUNTY
REGISTRY FOR DOMESTIC VIOLENCE OFFENDERS**

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein Resolution No. 963-2009; "A Local Law to Authorize a County Registry for Domestic Violence Offenders" vetoed in its entirety. While the proposed legislation is well intentioned, it could have numerous unintended consequences which have lead to near universal opposition from almost every notable domestic violence advocacy group.

I share the concerns of Suffolk County's leading domestic violence agencies, including Suffolk County Coalition Against Domestic Violence, VIBS Family Violence & Rape Crisis Center, The Retreat Domestic Violence Services and Brighter Tomorrows, that publication of domestic violence offenders will readily identify the victims.

Advocates stressed that this registry will be counterproductive in preventing further domestic abuse incidents because it will have the unintended result of deterring victims from calling the police to report an incident in fear that their abusive partner will be placed on the registry and retaliate with further violence. This registry will compromise the confidentiality for everyone in the family. In fact, testimony from the November 30, 2009 public hearing included a victim's statement pleading that "although I feel the vengeance that would be exacted and I'd feel some sort of immediate gratification, I would also be concerned how this public information may impact my children- especially at school."

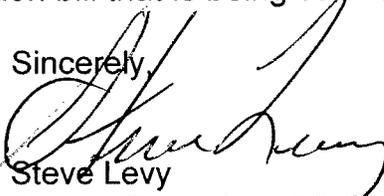
Additionally, there are cases where false accusations of harassment are made against the victim that may result in that victim's identity being disclosed on the

domestic violence registry unintentionally leading to large potential vulnerability for the county.

Furthermore, I believe that this legislation is being indirectly modeled after the recent successes of the sexual offender website but it must be understood that the circumstances surrounding these crimes are **very different**. Domestic violence offenders more often than not share the same name and reside within the same house as their victim(s), leading to much less privacy and an increased concern of confidentiality with regard to public disclosure.

As an alternative to the registry, I have worked with the agencies and county departments to prepare legislation that would permit a greater sharing of information and data between government agencies. The State of New York is also working to implement such a program. This will allow a Child Protective Services worker to have real time information in his/her database on any individual convicted of domestic violence or where an order of protection exists.

For the reasons enumerated above and with the consideration of the expert opinions provided by domestic violence agencies and victims across Suffolk County, I strongly urge the legislature to sustain my veto of this resolution and continue to support the alternative inter-agency cooperation bill that is being submitted.

Sincerely,

Steve Levy
County Executive of Suffolk County

SL:srt

cc: All Suffolk County Legislators
Tim Laube, Clerk of the Legislature
Christine Malafi, Esq., Suffolk County Attorney
Lynne A. Bizzarro, Esq., Chief Deputy County Attorney
Christopher Kent, Chief Deputy County Executive
Ed Dumas, Chief Deputy County Executive for Policy and Management
Connie Corso, Deputy County Executive for Finance
Ben Zwirn, Deputy County Executive
Eric Naughton, Budget Director
Dan Aug, Director of Communications
Mark Smith, Deputy Director of Communications

**RESOLUTION NO. 963 -2009, ADOPTING LOCAL LAW
NO. -2009, A LOCAL LAW TO AUTHORIZE A COUNTY
REGISTRY FOR DOMESTIC VIOLENCE OFFENDERS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on April 28, 2009, a proposed local law entitled, "**A LOCAL LAW TO AUTHORIZE A COUNTY REGISTRY FOR DOMESTIC VIOLENCE OFFENDERS**"; now, therefore be it

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

LOCAL LAW NO. -2009, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO AUTHORIZE A COUNTY REGISTRY FOR
DOMESTIC VIOLENCE OFFENDERS**

**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 domestic violence is a global issue that impacts the health, safety and well being of millions of people annually.

This Legislature also finds and determines that approximately 1.5 million people in the United States experience domestic violence at the hands of a spouse or significant other each year.

This Legislature further finds and determines that Suffolk County continually strives to find effective new ways to protect its residents from all forms of crime, including domestic violence.

This Legislature finds that while a person's criminal history is a matter of public record in Suffolk County, obtaining that information can be a difficult and time consuming process.

This Legislature determines that Suffolk County can aid its residents by providing them with easier access to certain information about persons convicted of domestic violence crimes residing in Suffolk County.

This Legislature also finds that other states and nations, including Nevada, California, the District of Columbia, and Great Britain, are considering the establishment of domestic violence registries that provide the public with vital information about persons convicted of committing domestic violence crimes, specifically the names, residential addresses, convictions and updated photographs of such persons.

This Legislature further finds that such registries would provide a critical service within their communities.

This Legislature also determines that Suffolk County residents should have similar access to information on individuals convicted of domestic violence crimes so that they can protect themselves and their loved ones from violence in their homes, one place where everyone should feel safe.

Therefore, the purpose of this law is to create a registry for individuals convicted of domestic violence crimes and to provide a procedure for the placement of such individuals on the registry.

Section 2. Definitions.

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

“DOMESTIC VIOLENCE CRIME” shall be defined as the commission or any attempts to commit the following enumerated crimes against a spouse, former spouse, intimate partner, domestic partner, parent, child, or members of the same family or household: assault, as defined in the New York State Penal Code Section 120.00, 120.05, and 120.10; manslaughter, as defined in the New York State Penal Code Sections 125.15, 125.20, 125.21, and 125.22; murder, as defined in the New York State Penal Code Sections 125.25, 125.26, and 125.27; kidnapping, as defined in the New York State Penal Code Sections 135.20 and 135.25; rape, as defined in the New York State Penal Code Sections 130.25, 130.30, and 130.35; sexual misconduct, as defined in the New York State Penal Code Section 130.20; stalking, as defined in the New York State Penal Code Sections 120.50, 120.55, and 120.60; reckless endangerment, as defined in the New York State Penal Code Sections 120.20 and 120.25; menacing, as defined in the New York State Penal Code Sections 120.13, 120.14 and 120.15; and harassment, as defined in the New York State Penal Code Sections 240.25 and 240.30.

“PERSON” shall be defined as any individual, firm, partnership, corporation, company, society, association, or any organized group of persons whether incorporated or not.

“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 contendere.

Section 3. Creation of Domestic Violence Registry.

A registry is hereby created which shall contain the names and residence information of individuals living in Suffolk County who are convicted of a domestic violence crime. The Commissioner of the Suffolk County Police Department is hereby authorized, empowered and directed to establish a registry for individuals residing within the police district. The Suffolk County Sheriff is hereby authorized, empowered and directed to establish a registry for individuals residing in the five East End Towns. The Police Department and Sheriff's Office will work cooperatively with the Department of Information Technology to make the information contained in these registries available to the public on one website designed for this purpose. All further administration of this law shall be conducted by the Suffolk County Police Department and the Suffolk County Sheriff, in conjunction with the Department of Information Technology.

Section 4. Requirements.

- A) The Probation Department shall have the authority to recommend to sentencing judges that a person who is convicted of a domestic violence crime in Suffolk County be placed on the Domestic Violence Registry. The Probation Department shall use this authority at their discretion after reviewing each case on an individual basis.
- B) Each person required to register with the Domestic Violence Registry shall submit:
 - 1. Their name,
 - 2. Any aliases they are known under,
 - 3. Their residential address, and
 - 4. A photograph of their head and shoulders from the front
- C) Each person registered with the Domestic Violence Registry shall update their registration information each time they move from one residential address to another or, if their residential address does not change, annually from the date of their first registration.

Section 5. Fees.

Every person required to register with the Domestic Violence Registry must pay an annual fee of twenty-five dollars (\$25.00) to the County Department or Office they must register with. These funds will be used to pay the administrative costs of maintaining the Registry.

Section 6. Promulgation of Rules and Regulations

The Commissioner of the Suffolk County Police Department and the Suffolk County Sheriff are hereby authorized and empowered to jointly promulgate such rules and regulations as they deem necessary to implement this law.

Section 7. Applicability.

This law shall apply to all persons convicted of domestic violence crimes released on or after the effective date of this law, as well as all persons convicted of domestic violence crimes up to five (5) years prior to the effective date of this law.

Section 8. 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 9. 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 10. 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: November 17, 2009

APPROVED BY:

VETOED

County Executive of Suffolk County

Date: 12-17-09

Intro. Res. 1314 Res. No. 963

November 17, 2009

Motion:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-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	Brian BEEDENBENDER	/				
6	Daniel P. LOSQUADRO	/				
7	Jack EDDINGTON	/				
9	Ricardo MONTANO			/		
10	Cameron ALDEN			/		
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		14	-	3	1	-

MOTION
<input checked="" type="checkbox"/> Approve
Table: _____
<input type="checkbox"/> Send To Committee
<input type="checkbox"/> Table Subject To Call
<input type="checkbox"/> Lay On The Table
<input type="checkbox"/> Discharge
<input type="checkbox"/> Take Out of Order
<input type="checkbox"/> Reconsider
<input type="checkbox"/> Waive Rule _____
<input type="checkbox"/> Override Veto
<input type="checkbox"/> Close
<input type="checkbox"/> Recess
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
<input type="checkbox"/> NOT ADOPTED

Tim Laube

 Tim Laube, Clerk of the Legislature

Roll Call Voice Vote _____