

RESOLUTION NO. 259 -2015, ADOPTING LOCAL LAW NO. 17-2015, A LOCAL LAW TO AMEND CHAPTER 563 ARTICLE IV OF THE SUFFOLK COUNTY CODE COMMONLY KNOWN AS "PRECIOUS METAL AND GEM EXCHANGES"

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on February 3, 2015, a proposed local law entitled, "**A LOCAL LAW TO AMEND CHAPTER 563 ARTICLE IV OF THE SUFFOLK COUNTY CODE COMMONLY KNOWN AS 'PRECIOUS METAL AND GEM EXCHANGES'**;" 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. 17 -2015, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO AMEND CHAPTER 563 ARTICLE IV OF THE SUFFOLK COUNTY CODE COMMONLY KNOWN AS "PRECIOUS METAL AND GEM EXCHANGES"

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 Chapter 563, Article IV, commonly known as "Precious Metal and Gem Exchanges," has proved to be useful in recovering stolen precious metals and gems that have been sold to precious metal and gem exchanges, and has also proved to be useful in prosecuting those persons who possessed such stolen property.

This Legislature further finds that persons who sell stolen precious metals and gems to precious metal and gem exchanges sometimes provide false names and false identification documents to such exchanges.

This Legislature further finds that the required record keeping regarding the purchase of precious metals and gems by precious metal and gem exchanges is sometimes insufficient to properly identify such precious metals and gems and the seller.

This Legislature also finds that the transactional records retention time period of three-years currently imposed upon precious metal and gem exchanges is sometimes insufficient for investigative and prosecutorial purposes when persons sell stolen precious metals and gems to such exchanges.

This Legislature further finds that in order to improve the effectiveness of Chapter 563, Article IV of the Suffolk County Code, the following amendments to the Suffolk County Code shall be effected:

- Section 563-41 of the Suffolk County Code shall be amended to require that precious metal and gem exchanges retain transactional records for a period of seven-years.

- Section 563-41 of the Suffolk County Code shall require precious metal and gem exchanges to take digital photographs of:

Either the persons selling precious metals and gems to such exchanges, or the identification produced by persons selling precious metals and gems to such exchanges; and

The precious metals and gems that are sold to such exchanges.

- Section 563-44 of the Suffolk County Code shall be amended to require precious metal and gem exchanges to obtain identification documents from sellers that depict photographs of the sellers.

Section 2. Amendments.

Chapter 563 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 563, Licensed Occupations

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ARTICLE IV, Precious Metal and Gem Exchanges

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§ 563-41. Required records.

A. Each licensee shall keep records, legibly written in English, in a bound book. All entries shall be made in ink at the time of each transaction and shall include the computer transaction number. Each transaction shall also include:

- (1) An accurate account and description of the object, including but not limited to the weight (if applicable) and purity of the precious metal or gem, any inscriptions, and any identifying characteristics or marks.
- (2) The amount paid for the article.
- (3) The date of the transaction.
- (4) The name, home residence, date of birth, sex, color and description, as near as possible, of the clothing and person selling the items.
- (5) The type of identification produced by the person selling the article.
- (6) Records of written consent required under § 563-44A(2) of this chapter shall be retained with the record book.
- (7) The signature of the person identified in the transaction.

B. No alterations or erasures are to be made to records, and erroneous entries are to have a simple line drawn through them and the corrected entry made on the next line.

C. The records shall be retained in the possession of the licensee, in good condition and in an orderly fashion, for at least seven ~~[three]~~ years from the time the record is made.

D. Written receipt issued to the seller with the serial number of the transaction and the information required in Subsections A, B and C shall be retained.

E. Each licensee shall take digital photographs of the following:

(1) The precious metals and/or gems purchased, each item to be separately photographed; and

(2) The head and face of the person selling the precious metals and/or gems (with any and all obstructions – i.e., hat, hood, sunglasses, etc. – removed), or the photograph identification produced by the person selling the precious metals and/or gems.

§ 563-44. Prohibited acts.

A. No object containing precious metal or gems shall be purchased by a precious metal and gem exchange establishment from a:

(1) Person who appears to be intoxicated or of unsound mind.

(2) Person under the age of 21 without the written consent of his parents or guardian. If a seller under the age of 21 is not accompanied at the time of sale by a parent or guardian, written consent must be provided by notarized statement.

(3) Person who is unable to produce proper identification.

(4) Person presenting merchandise that possesses an altered or obliterated serial number or any item that has had its serial number removed.

B. For the purposes of this section, proper identification shall be **government issued** identification documents that **depict the person's name, address, and photograph [contain, in addition to a person's name and address, either a photograph or a physical description of said person]**. Social security cards, draft registration cards, voter registration cards and other similar documents shall not be considered sufficient identification for the purposes of this section.

C. A precious metal and gem exchange establishment failing to comply with the requirements set forth in this article and Article I shall be subject to penalties set forth in § 563-9, which pertains to fines, suspensions and revocation of licenses.

D. Purchases or sales may be made by a precious metal and gem exchange establishment at locations other than the premises of such establishment; but when purchases or sales are made at locations other than the premises of such an establishment, the licensee must note, adjacent

to other entries applicable to the transaction in the record book, the location where the transaction took place in addition to the records required by § 563-41 of this chapter.

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Section 3. 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 4. 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) and (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 5. Applicability.

This law shall apply to all actions and transactions occurring on or after the effective date.

Section 6. Effective Date.

This law shall take effect 90 days following filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language

___ Underlining denotes addition of new language

DATED: April 28, 2015

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: May 28, 2015
After a public hearing duly held on May 13, 2015
Filed with the Secretary of State on June 25, 2015