

Intro. Res. No. 1471-2016
Introduced by Legislators Cilmi, Martinez, Anker, Lindsay and Calarco

Laid on Table 5/10/2016

**RESOLUTION NO. 560 -2016, ADOPTING LOCAL LAW
NO. 19 -2016, A LOCAL LAW TO INCREASE PENALTIES FOR
VIOLATION OF SOCIAL HOST LAWS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on May 10, 2016, a proposed local law entitled, "**A LOCAL LAW TO INCREASE PENALTIES FOR VIOLATION OF SOCIAL HOST LAWS**"; now, therefore be it

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

**LOCAL LAW NO. 19 -2016, SUFFOLK COUNTY, NEW YORK
A LOCAL LAW TO INCREASE PENALTIES FOR VIOLATION
OF SOCIAL HOST LAWS**

**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 the County of Suffolk sought to deter minors from consuming alcohol by enacting Local Law No. 35-2007. This law imposes criminal liability on adults who permit minors to consume alcohol at their homes.

This Legislature also finds and determines that the penalties associated with the County's social host law were strengthened by Resolution No. 1121-2010.

This Legislature further finds and determines that, presently, a first offense under this law is a criminal violation, which must be witnessed by law enforcement.

This Legislature finds that the penalty for a first offense should be increased to an unclassified misdemeanor, to provide for more effective enforcement of this law.

Therefore, the purpose of this law is to amend Chapter 294, Article II, to re-categorize a first-time offense under the County's social host law from a violation to an unclassified misdemeanor, with a maximum fine of \$500.

Section 2. Amendments.

Chapter 294 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 294. Alcoholic beverages.

ARTICLE II. Social Hosts.

§ 294-9. Penalties for offenses.

A violation of § 294-8 of this article shall be punished as follows:

A. First offense: Any person who violates § 294-8 of this article shall be guilty of an [violation] unclassified misdemeanor punishable by a fine not to exceed \$500 [, where such violation constitutes the person's first offense].

B. Second and subsequent offenses: Any person who violates § 294-8 of this article shall be guilty of an unclassified misdemeanor punishable by a fine not to exceed \$1,000, a term of imprisonment not to exceed one year, or both.

Section 3. Applicability.

This law shall apply to all actions occurring 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 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 6. Effective Date.

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

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: June 21, 2016

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: July 14, 2016

After a public hearing duly held on July 5, 2016
Filed with the Secretary of State on August 3, 2016