

AMENDMENT IN THE NATURE OF A SUBSTITUTION – Clerk Item Number 46-20

Introduced by: Presiding Officer Richard J. Nicoello, Deputy Presiding Officer Howard J. Kopel, Alternate Deputy Presiding Officer Denise Ford, and Legislators C. William Gaylor, III, Vincent T. Muscarella, James Kennedy, Thomas McKeivitt, Laura Schaefer, John R. Ferretti, Jr., Rose Marie Walker, and Steven D. Rhoads

Local Law 2 -2020

A LOCAL LAW TO AMEND THE NASSAU COUNTY ADMINISTRATIVE CODE TO REQUIRE THE NASSAU COUNTY POLICE DEPARTMENT TO PREPARE A QUARTERLY CRIME REPORT TO THE LEGISLATURE AND COUNTY EXECUTIVE

APPROVED AS TO FORM



Majority Counsel

Passed by the Nassau County Legislature on February 24, 2020

Voting: ayes: 19, naves: 0, abstained: 0

Became a law on March 6, 2020 with the approval of the Deputy County Executive acting on behalf of the County Executive

BE IT ENACTED by the County Legislature of Nassau County as follows:

Section 1. A new title is hereby added to Chapter VIII of the Nassau County Administrative Code as follows:

Title O.

CRIMINAL JUSTICE REPORT

Section	8-133.1	Legislative Intent
	8-132.2	Criminal Justice Report

§ 8-133.1. Legislative Intent

This Legislature finds and determines that recent changes to the New York State Criminal Procedure Law enacted in the 2020 New York State Budget and taking effect January 1, 2020 have eliminated the imposition of bail for criminal defendants accused of misdemeanors and certain felonies. This Legislature further finds and determines that as a result of these changes, previously incarcerated criminal defendants that are accused of crimes that are no longer eligible for the imposition of bail have been released.

This Legislature further finds and determines that individuals arrested for crimes including Manslaughter in the Second Degree, Stalking, Assault as a Hate Crime, Grand Larceny, Robbery, Burglary, Sale of a Controlled Substance, Sale of a Controlled Substance near a School, Menacing, Criminally Negligent Homicide, Welfare Fraud, Bribery, Perjury, Bail Jumping, Making a Terroristic Threat, Money Laundering in Support of Terrorism in the Third and Fourth degree, Promoting an Obscene Sexual Performance by a Child, Possessing an Obscene Sexual Performance by a Child, Failure to Register as a Sex Offender, Patronizing a Person for Prostitution in a School Zone, Aggravated Assault Upon a Person Less than Eleven Years Old, Reckless Assault of a Child by a Daycare Provider, Criminal Sale of a Controlled Substance to a Child, Abandonment of a Child, and Criminal Possession of a Weapon on School Grounds will be immediately released from custody because such crimes are no longer eligible for the imposition of bail.

This Legislature further finds and determines that the changes to the Criminal Procedure Law were made without sufficient public discourse, debate and analysis, and since these changes have become effective there have been numerous examples throughout the state where accused criminals have been released back into the community, only to reoffend and placing the public safety in jeopardy.

It is the purpose of this law to gather statistical information as to the effects of the changes to the New York State Criminal Procedure Law in Nassau County.

It is also the purpose of this law to require the regular reporting to the Legislature and County Executive by the Department of Police of information and data with respect to arrests in Nassau County, bail assessed or whether such defendant was released on his or her own recognizance, any warrants issued for the failure to attend a court proceeding for any defendant that has been released without the imposition of bail, and additional crimes allegedly committed by those that have been released without the imposition of bail relating to a previous arrest.

§ 8-133.2. Criminal Justice Report

It shall be the duty of the Nassau County Police Department to present to the Legislature and County Executive a quarterly report containing the following statistical information relating to misdemeanor and felony charges (hereinafter referred to as “crimes”) made against individuals (hereinafter referred to as “defendants”) in Nassau County for which bail has not been imposed:

- a. The total number of defendants released without bail in Nassau County, the charges against said defendants and a brief narrative description of the crimes allegedly committed;
- b. For defendants who have been released without bail, the total number of bench warrants issued for failure to attend a criminal action or proceeding, including the charges against said defendants and a brief narrative description of the crimes allegedly committed;
- c. The number of crimes charged against defendants while such defendants have been released without bail on a previous criminal charge or charges, including the charges against said defendants and a brief narrative description of the crimes allegedly committed while released without bail.

The Nassau County Police Department shall request from all appropriate local, state and federal agencies any information required to complete the reporting requirements pursuant to this Title. Further, the information required to be provided pursuant to this section shall not include the names or other personally identifiable information of any defendant, witness, or victim of any crime occurring in Nassau County.

Such reports shall be due on the following dates:

- a. For the quarter ending on March 31st, such report shall be due on or before May 1st;
- b. For the quarter ending on June 30th, such report shall be due on or before August 1st;
- c. For the quarter ending on September 30th, such report shall be due on or before November 1st;
- d. For the quarter ending on December 31st, such report shall be due on or before February 1st of the following calendar year.

§2. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person 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 hereof, 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 or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

§3. S.E.Q.R.A. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L., section 0101 et seq. and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a "Type II" Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§4. Effective date. This local law shall take effect immediately.

APPROVED.

Helena Williams

County Executive

DATE 3-6-2020