

Intro. Res. No. 2015-2018

Laid on Table 11/7/2018

Introduced by Legislators Berland, Gregory, Sunderman, Flotteron, Muratore, Krupski, Hahn, Calarco, Lindsay, Kennedy, and Spencer

**RESOLUTION NO. 1073 -2018, ADOPTING LOCAL LAW NO. 6 -2019, A LOCAL LAW IMPOSING A DUTY TO REPORT CRIMINAL CONDUCT AT WATER PARKS AND AMUSEMENT PARKS**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a meeting held on November 7, 2018, a proposed local law entitled, "**A LOCAL LAW IMPOSING A DUTY TO REPORT CRIMINAL CONDUCT AT WATER PARKS AND AMUSEMENT PARKS**"; now, therefore be it

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

**LOCAL LAW NO. 6 -2019, SUFFOLK COUNTY, NEW YORK**

**A LOCAL LAW IMPOSING A DUTY TO REPORT CRIMINAL CONDUCT AT WATER PARKS AND AMUSEMENT PARKS**

**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 in August of this year, a troubling incident occurred at a popular water park in Suffolk County, when several girls reported being groped by a group of men in the park's wave pool.

This Legislature further finds and determines that the water park's employees were advised of this incident but failed to obtain identifying information from the alleged perpetrators before they left the park and also failed to notify local law enforcement agencies of the incident.

This Legislature finds that amusement parks and water parks, which attract large numbers of visitors, should be required to promptly report serious crimes occurring on their premises to appropriate law enforcement agencies.

Therefore, the purpose of this law is to require amusement parks and water parks operating in Suffolk County to immediately contact an appropriate law enforcement agency when a criminal act, including sex offenses, occurs on their premises.

**Section 2. Definitions.**

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

AMUSEMENT PARK – as defined as in Section 870-c of NEW YORK LABOR LAW.

WATER PARK – a tract or area used primarily as a permanent location for aquatic recreation featuring rides and attractions that totally or partially immerse a person in water, such as water slides, lazy rivers and wave pools.

### **Section 3. Requirements.**

In the event the owner, operator, employee or agent of an amusement park or water park observes, or receives a complaint of a criminal offense constituting an offense against a person involving physical injury, sexual misconduct, restraint and intimidation, as set forth in Part Three, Title H of the NEW YORK PENAL LAW, occurring on the premises of the amusement park or water park, the owner or operator of the amusement park or water park shall be required to immediately report the offense to an appropriate law enforcement agency which has criminal jurisdiction where the amusement park or water park is located.

### **Section 4. Penalties for Offenses.**

A violation of this law shall be punishable, upon proof thereof, by the payment of a civil payment not to exceed \$5,000 for the first violation and a \$10,000 penalty for subsequent violations, to be recovered in a civil action. The County Attorney is hereby authorized and empowered to commence such actions in the name of the County to recover civil penalties.

### **Section 4. Applicability.**

This law shall apply to actions occurring on or after the effective date of this law.

### **Section 5. 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 6. 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 7. Effective Date.**

This law shall take effect on the ninetieth (90<sup>th</sup>) day immediately subsequent to its filing in the Office of the Secretary of State.

DATED: December 4, 2018

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: December 31, 2018

After a public hearing duly held on December 20, 2018  
Filed with the Secretary of State on January 17, 2019