

Intro. Res. No. 1552-2020
Introduced by Legislators Richberg, Gonzalez, Hahn and Calarco

Laid on Table 6/23/2020

RESOLUTION NO. 730 -2020, ADOPTING LOCAL LAW NO. 47-2020, A LOCAL LAW TO AMEND THE COUNTY HUMAN RIGHTS LAW TO INCLUDE FALSE REPORTING OF A CRIME BASED ON BIAS

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 23, 2020, a proposed local law entitled, " **A LOCAL LAW TO AMEND THE COUNTY HUMAN RIGHTS LAW TO INCLUDE FALSE REPORTING OF A CRIME BASED ON BIAS**"; now, therefore be it

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

LOCAL LAW NO. 47-2020, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO AMEND THE COUNTY HUMAN RIGHTS LAW TO INCLUDE FALSE REPORTING OF A CRIME BASED ON BIAS

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 Suffolk County is dedicated to protecting the safety of all residents.

This Legislature also finds and determines that a problem exists where individuals are falsely reporting crimes to law enforcement agencies when, in fact, no crime is being committed and the call was made solely based on that individual's personal bias against another's actual or perceived membership in a protected class. These false allegations are a drain on law enforcement resources that could otherwise be utilized for legitimate emergencies.

This Legislature further finds and determines that when individuals engage in the practice of falsely calling the police based on animosity or antipathy towards certain groups, it diverts resources that are needed elsewhere in the community and puts the individuals being falsely reported about at risk of being in a potentially dangerous encounter with law enforcement.

This Legislature further determines that law enforcement agencies should not be weaponized by individuals who choose to make an emergency call and falsely report crimes because of their own personal biases.

Therefore, the purpose of this law is to amend Chapter 528 of the SUFFOLK COUNTY CODE to prohibit individuals from making false criminal allegations to a law enforcement agency due to their own animosity, antipathy or bias.

Section 2. Amendments.

Chapter 528 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 528. Human Rights.

Article I. Bias Acts

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§ 528-3. Bias-related activities prohibited.

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E. No person shall, by reason of any motive or intent relating to, or any antipathy, animosity or hostility based upon, the race, color, gender, religion, national origin, age, ancestry, sexual orientation, disability, handicap or health-related condition of another individual or group of individuals, engage in a violation of § 240.50, § 240.55, or § 240.60 of the New York State Penal Law by falsely requesting the assistance of law enforcement or summoning law enforcement assistance in violation of § 79-n of the New York State Civil Rights Law.

[E] E. Implementation of provisions; enforcement.

(1) The Suffolk County Human Rights Commission is hereby authorized to promulgate and issue such rules and regulations as shall be necessary and sufficient to implement this section.

(2) The Suffolk County Human Rights Commission shall enforce this section by referring the civil proceedings to the County Department of Law

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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)(26), and (33) 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 in that the action constitutes routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. 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:

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: October 27, 2020

After a public hearing duly held on October 19, 2020
Filed with the Secretary of State on November 6, 2020