

Introduced by: Presiding Officer Richard J. Nicoletto, 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 M. Schaefer, John Ferretti, Jr., Rose Marie Walker, Steven Rhoads

LOCAL LAW 27 -2019

A LOCAL LAW TO ESTABLISH THE OFFICE OF CRIME VICTIM ADVOCATE

Passed by the Nassau County Executive on November 25, 2019

Voting: ayes: 18, nays: 0, abstained: 0

Became a law on December 23, 2019 with the approval of the County Executive.

APPROVED AS TO FORM

Majority Counsel

WHEREAS, in 2019 New York State has dramatically changed the rules and regulations regarding bail of all criminal defendants prior to their trial so that Judges are prevented from assigning bail on most violent and non-violent crime; and

WHEREAS, in 2019, New York State dramatically expanded the mandated disclosure of names, addresses, telephone numbers and of all victims and witnesses to these accused criminal defendants; and

WHEREAS, on January 1, 2020, New York State is mandating the release of an estimated three hundred currently held criminal defendants in the Nassau County Correctional Center; and

WHEREAS, on January 1, 2020, New York State has empowered criminal defendants and their legal representatives to bring legal action to enter the places and property where the alleged crime took place even if it is the place of business or personal home of the crime victim or witness; and

WHEREAS, on January 1, 2020, Criminal Procedure Law 245.30(2) goes into effect which grants a criminal defendant the right to bring legal action against a victim or witness to a crime to gain access to the witness's or victim's homes or place of business to inspect the location where the accused crime took place; and

WHEREAS, the criminal defendant's right to request access right applies to all crimes regardless of whether they are violent or non-violent, sexual or non-sexual; and

WHEREAS, the Nassau District Attorney represents the People of the State of New York and cannot legally represent victims or witnesses impacted by Criminal Procedure Law Section 245; and

WHEREAS, Nassau County should establish a county office of Crime Victims Advocate, with a budget for an Executive Director, deputies, officers, and employees, which is empowered to assist with providing legal services to the victims and witness of crime impacted by the recent New York State enacted criminal procedure laws; and

WHEREAS, the Nassau County Legislature wishes to establish the Office of Crime Victims Advocate; now, therefore,

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

Section 1. § 2115 is added to the County Government Law of Nassau County as follows:

§ 2115. Office of Crime Victim Advocate

1. There shall be an office of county government known as the Office of Crime Victim Advocate, the head of which shall be the Executive Director of the Office of Crime

Victim Advocate, who shall be appointed by the County Executive, subject to confirmation by the County Legislature. The Crime Victim Advocate must reside with Nassau county within one-year of appointment. The Executive Director of the Office of Crime Victim Advocate shall receive such compensation as may be provided by ordinance. The Executive Director of the Office of Crime Victim Advocate shall have the power to appoint such deputies, officers and employees of the Office of Crimes Victim Advocate as may be provided by ordinance, and the Office shall have adequate staffing to accomplish its mission.

2. The purpose of the Office of Crime Victim Advocate shall be to provide legal services to the victims and witnesses of crime who are impacted by the disclosure requirements of New York Criminal Procedure Law Section 245 which goes into effect on January 1, 2020.
3. The Office of Crime Victim Advocate shall have the following powers and duties:
 - a. Provide legal assistance to victims and witnesses of crime who are served with judicial orders to show cause by criminal defendants or their representatives to gain access to their home or place of business;
 - b. Provide legal assistance with any victim compensation applications;
 - c. Provide legal assistance to any victim or witness with regards to any legal action related to New York Criminal Procedure Law Chapter 245;
 - d. Provide information on victim's and witness's legal rights and protections with regards to criminal process; and
 - e. Assist victims to submit comments to courts and parole boards.

§2. Severability.

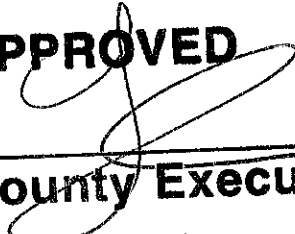
If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder 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. SEQRA Determination

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


County Executive
DATE 12-23-19