

Introduced by Legislator: David Mejias

LOCAL LAW NO. 15-2009

A LOCAL LAW to amend the Nassau County Administrative Code in relation to monitoring registered sex offenders

Passed by the Nassau County Legislature on July 7, 2009  
Voting: ayes:18 naves: 0 abstained:0  
Became a law on August 5, 2009 with the approval of the County Executive.

FORM APPROVED

*CC Gandy*  
In Testim MAJORITY COUNSEL

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

Section 1. Local Law No. 23-2007 is amended to read as follows:

§ 1. Legislative Intent.

This legislature finds that sex offenders are prone to recidivism; the community has an interest in protecting vulnerable populations from sex offenders who may relapse into criminal behavior. This legislature further finds that computer technology leaves children vulnerable to exploitation and harm by sex offenders using the internet, particularly social networking websites, including but not limited to, Alternative Universe, Bebo, Craigslist, Facebook, Friendster, MySpace, Second Life, Twitter, Windows Live Spaces and Xanga and internet dating websites, including but not limited to, eHarmony, Match.com and Yahoo! Personals. It is the purpose of this legislation to facilitate the identification of convicted sex offenders who prey on children over the internet by requiring the registration and monitoring of sex offender's computers.

§ 2. Definitions.

"District Attorney" shall mean the Nassau County District Attorney.

"Probation Department" shall mean the Nassau County Probation Department.

“Internet Dating Websites” shall mean a web based dating system which allows individuals, couples and groups to provide personal information and to make contact and communicate with each other with the objective of developing romantic or sexual relationships by using internet services, such as webcasts, online chat, message boards.

“Social Networking Websites” shall mean a web based site that enables users to create public or semi-public profiles within that site and focuses on building online communities of people who share interests and/or activities, or are interested in exploring the interest and activities of others, which provides users of such sites a variety of ways to interact and/or form relationships with others, such as e-mail, instant messaging services, on-line discussion forums, chatrooms, on-line diaries and journals, blogs, photoblogs, role playing games and other social spaces online.

“SORA” shall mean the New York State Sex Offender Registration Act.

§ 3. Computer monitoring program.

The Probation Department in conjunction with the office of the District Attorney shall, at their discretion, recommend to a sentencing judge that any person convicted of an offense which requires SORA registration, or any offense of endangering the welfare of a child where any part of the commission of the crime was facilitated by the use of a computer, shall, as a condition of probation register with the Probation Department each computer that he or she uses for personal use, consent to the installation on any such computer of monitoring software to track the online activity of such persons and consent not to access social networking and internet dating websites.

§ 4. Penalties.

The failure to register each computer that he or she uses for personal use, consent to the installation on any such computer of monitoring software to track the online activity of such persons and consent not to access social networking and internet dating websites shall be a violation of probation.

§ 5. County not liable.

Nothing in this title shall be deemed to impose any civil or criminal liability upon or to give rise to a cause of action against any official, employee or agency of the county for failing to act in accordance with this title.

§ 6. Separability.

If any clause, sentence, paragraph, subdivision, section or part of this local 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, effect 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.

§ 7. SEQRA Determination. This legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this action is an unlisted action under the provisions of Title 6 NYCRR Part 617, and that based on an evaluation of the environmental criteria set forth in §617.7(c) that are considered to be indicia of significant adverse environmental impacts, along with the recommendation of the Nassau County Planning Commission acting in its advisory capacity to the legislature, that such action will not have significant adverse impacts on the environment, and that no additional environmental review or action is necessary.

§ 8. This Local Law shall take effect one hundred twenty days after it shall have become a law.

Section 2. Effective date. This law shall take effect sixty (60) days after becoming a law.

**APPROVED**

*Maureen Gotlieb*

**County Executive**

DATE *August 5, 2009*