

193-22
(LE)

OFFICE OF THE
DEMOCRATIC MINORITY



PETER J. CLINES, ESQ.
MINORITY COUNSEL

NASSAU COUNTY LEGISLATURE
THEODORE ROOSEVELT EXECUTIVE & LEGISLATIVE BUILDING
1550 FRANKLIN AVENUE - ROOM 131
MINEOLA, NEW YORK 11501
TELEPHONE: (516) 571-6232 - FAX: (516) 571-6125
email: PCLINES@NASSAUCOUNTYNY.GOV

Inter-Departmental Memo

To: Michael C Pulitzer, Clerk of the Legislature

From: Peter J. Clines, Esq., Minority Counsel *PJC*

CC: Hon. Richard Nicoletto, Presiding Officer

Hon. Kevan Abrahams, Minority Leader

Date: June 8, 2022

Re: A LOCAL LAW TO AMEND SECTION 2115 OF CHAPTER XXI OF CHAPTER 618 OF THE NASSAU COUNTY CHARTER, IN RELATION TO EMPOWERING THE OFFICE OF THE CRIME VICTIM ADVOCATE TO RENDER LEGAL ASSISTANCE TO CRIME VICTIMS IN APPLYING FOR EXTREME PROTECTION ORDERS.

Attached please find the above referenced local law which has been approved as to form per the Rules of the Legislature. Kindly distribute a copy to Presiding Officer Richard Nicoletto along with our request that this item be placed on the next available legislative agenda.

Kindly provide a time stamped hard copy acknowledgement of your receipt.

Thank you.

2022 JUN - 8 A 11: 02

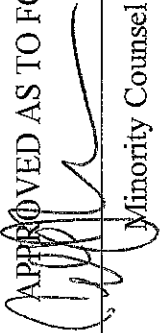
RECEIVED
NASSAU COUNTY
CLERK OF THE LEGISLATURE

Introduced by: Minority Leader Kevan Abrahams, Legislator Joshua Lafazan, Legislator Delia DeRiggi-Whitton, Legislator Carrié Solages, Legislator Arnold Drucker, Legislator Siela Bynoe, and Legislator Debra Mulé

PROPOSED LOCAL LAW NO. – 2022

A LOCAL LAW TO AMEND SECTION 2115 OF CHAPTER XXI OF CHAPTER 618 OF THE NASSAU COUNTY CHARTER, IN RELATION TO EMPOWERING THE OFFICE OF THE CRIME VICTIM ADVOCATE TO RENDER LEGAL ASSISTANCE TO CRIME VICTIMS IN APPLYING FOR EXTREME PROTECTION ORDERS.

APPROVED AS TO FORM



Minority Counsel

RECEIVED
NASSAU COUNTY
CLERK OF THE LEGISLATURE
2022 JUN - 8 A 11: 02

WHEREAS recent incidents of horrific mass shootings have taken the lives of dozens of innocent Americans, many of them children, and shaken this nation to its core; and

WHEREAS, this Legislature believes that it must do everything in its power to prevent such senseless violence from occurring in the County of Nassau; and

WHEREAS, one readily available method of preventing gun violence is to increase the utilization of extreme risk protection orders which are court-issued orders of protection prohibiting persons likely to engage in conduct that would result in serious harm to themselves or others from purchasing, possessing or attempting to purchase or possess a firearm, rifle or shotgun; and

WHEREAS, members of the families or households of such persons are expressly empowered to apply for extreme risk protection orders; and

WHEREAS, family and household members authorized to apply for extreme risk protection orders are legally defined to include individuals deemed to be victims of domestic violence; and

WHEREAS, such family or household members are more likely to be under threat of victimization by crimes of domestic abuse and violence; and

WHEREAS, assistance with the application for an extreme risk protection order on behalf of such family and household members, as well as other eligible victims of and witnesses to crimes, is consistent with the core mission of the Nassau County Office of Crime Victim Advocate; and

WHEREAS, it is the judgment of this Legislature that the Nassau County Office of Crime Victim Advocate should be specifically empowered and directed to render legal assistance to victims or potential victims of domestic violence, as well as other crime victims and witnesses, in seeking extreme risk protection orders; therefore

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

Section 1. Section 2115 of Chapter XXI of Chapter 618 of the Nassau County Charter is amended 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 Crime 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 and to provide legal services and assistance to victims, potential victims, and witnesses in applying for extreme risk protection orders pursuant to Article 63-a of the New York Civil Practice Law and Rules.

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[.]; and
- f. Provide legal assistance in connection with any legal matter relating to applications for extreme risk protection orders by household and family members as defined in the New York Civil Practice Law and Rules, Section 6340 (2), including but not limited to victims of domestic violence, those threatened with domestic violence and any other victims and witnesses of crimes, who qualify as petitioners eligible to apply for such orders pursuant to Article 63-a of the New York Civil Practice Law and Rules.

§2 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.

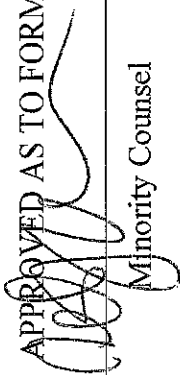
§3 It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act (SEQRA), 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of Title 6 of 6 N.Y.C.R.R. and Section 1611 of the County Government Law of Nassau County, that the adoption of this 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 This law shall take effect thirty days from final adoption.

Introduced by: Minority Leader Kevan Abrahams, Legislator Joshua Lafazan, Legislator Delia DeRiggi-Whitton, Legislator Carrié Solages, Legislator Arnold Drucker, Legislator Siela Bynoe, and Legislator Debra Mulé

LOCAL LAW NO. -- 2022

A LOCAL LAW TO AMEND SECTION 2115 OF CHAPTER XXI OF CHAPTER 618 OF THE NASSAU COUNTY CHARTER, IN RELATION TO EMPOWERING THE OFFICE OF THE CRIME VICTIM ADVOCATE TO RENDER LEGAL ASSISTANCE TO CRIME VICTIMS IN APPLYING FOR EXTREME PROTECTION ORDERS.

APPROVED AS TO FORM

Minority Counsel

WHEREAS recent incidents of horrific mass shootings have taken the lives of dozens of innocent Americans, many of them children, and shaken this nation to its core; and

WHEREAS, this Legislature believes that it must do everything in its power to prevent such senseless violence from occurring in the County of Nassau; and

WHEREAS, one readily available method of preventing gun violence is to increase the utilization of extreme risk protection orders which are court-issued orders of protection prohibiting persons likely to engage in conduct that would result in serious harm to themselves or others from purchasing, possessing or attempting to purchase or possess a firearm, rifle or shotgun; and

WHEREAS, members of the families or households of such persons are expressly empowered to apply for extreme risk protection orders; and

WHEREAS, family and household members authorized to apply for extreme risk protection orders are legally defined to include individuals deemed to be victims of domestic violence; and

WHEREAS, such family or household members are more likely to be under threat of victimization by crimes of domestic abuse and violence; and

WHEREAS, assistance with the application for an extreme risk protection order on behalf of such family and household members, as well as other eligible victims of and witnesses to crimes, is consistent with the core mission of the Nassau County Office of Crime Victim Advocate; and

WHEREAS, it is the judgment of this Legislature that the Nassau County Office of Crime Victim Advocate should be specifically empowered and directed to render legal assistance to victims or potential victims of domestic violence, as well as other crime victims and witnesses, in seeking extreme risk protection orders; therefore

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

Section 1. Section 2115 of Chapter XXI of Chapter 618 of the Nassau County Charter is amended 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 within 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 Crime 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 and to provide legal services and assistance to victims, potential victims, and witnesses in applying for extreme risk protection orders pursuant to Article 63-a of the New York Civil Practice Law and Rules.

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;
- e. Assist victims to submit comments to courts and parole boards; and
- f. Provide legal assistance in connection with any legal matter relating to applications for extreme risk protection orders by household and family members as defined in the New York Civil Practice Law and Rules, Section 6340 (2), including but not limited to victims of domestic violence, those threatened with domestic violence and any other victims and witnesses of crimes, who qualify as petitioners eligible to apply for such orders pursuant to Article 63-a of the New York Civil Practice Law and Rules.

§2 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.

§3 It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act (SEQRA), 8 N.Y.E.C.L. Section 0101 et seq. and its implementing regulations, Part 617 of Title 6 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 This law shall take effect thirty days from final adoption.