

Amendment in the Nature of a Substitution to Clerk Item # 151-22

This Amendment makes the following changes:

1. The title of the proposed local law has been amended, changing the title number to “90” and adding the following phrase: “AND PROCEDURES REGARDING THE FILING OF AN APPLICATION FOR AN EXTREME RISK PROTECTIVE ORDER”
2. The second whereas clause has been amended and shall read as follows:
“WHEREAS, the recent mass shootings in Brooklyn and in Buffalo have focused public attention on proposals to prevent persons who are a threat to themselves or others from gaining access to firearms; and”
3. An additional whereas clause has been added which shall read as follows:
“WHEREAS, following the racially motivated mass shooting in Buffalo by an individual with a history of mental health issues, it would be prudent for Nassau County and its Police Department to strengthen its procedures regarding the filing of an application for an extreme risk protective order; and”
4. The name of the title of the law has been amended, by adding the following phrase:
“AND PROCEDURES REGARDING THE FILING OF AN APPLICATION FOR AN EXTREME RISK PROTECTIVE ORDER”
5. An additional section has been added to the law, which shall be a new section “3” and the original section 3 will now be relabeled and known as section “4”. The new section “3” will read as follows:
“Section 3. With respect to any individual who has been involuntarily transported to an any facility in Nassau County for emergency psychiatric or behavioral care, the Nassau County Police Department shall determine whether the facts and circumstances justify the filing of an application for an extreme risk protective order pursuant to Article 63-a of the Civil Practice Law and Rules. In the event it is determined that the aforesaid application is justified, the Nassau County Police Department shall file such application in accordance with Article 63-a of the Civil Practice Law and Rules.”

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OFFICE OF THE
DEMOCRATIC MINORITY



PETER J. CLINES, ESQ.
MINORITY COUNSEL

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Inter-Departmental Memo

To: Michael C Pulitzer, Clerk of the Legislature

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

CC: Hon. Richard Nicoletto, Presiding Officer

Hon. Kevan Abrahams, Minority Leader

Date: May 26, 2022

Re: A LOCAL LAW ADDING TITLE 90 TO THE MISCELLANEOUS LAWS OF NASSAU COUNTY, IN RELATION TO AUTHORIZING THE NASSAU COUNTY POLICE DEPARTMENT TO REVIEW THE PISTOL LICENSURE STATUS OF INDIVIDUALS WHO HAVE BEEN INVOLUNTARILY TRANSPORTED TO ANY FACILITY IN NASSAU COUNTY FOR EMERGENCY PSYCHIATRIC OR BEHAVIORAL CARE AND PROCEDURES REGARDING THE FILING OF AN APPLICATION FOR AN EXTREME RISK PROTECTIVE ORDER.

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.

Introduced by: Legislator Joshua Lafazan
Co-Sponsored by: Legislator Debra Mulé, Legislator Arnold Drucker, and Legislator Delia DeRiggi-Whitton

PROPOSED LOCAL LAW NO. – 2022

A LOCAL LAW ADDING TITLE 90 TO THE MISCELLANEOUS LAWS OF NASSAU COUNTY, IN RELATION TO AUTHORIZING THE NASSAU COUNTY POLICE DEPARTMENT TO REVIEW THE PISTOL LICENSURE STATUS OF INDIVIDUALS WHO HAVE BEEN INVOLUNTARILY TRANSPORTED TO ANY FACILITY IN NASSAU COUNTY FOR EMERGENCY PSYCHIATRIC OR BEHAVIORAL CARE AND PROCEDURES REGARDING THE FILING OF AN APPLICATION FOR AN EXTREME RISK PROTECTIVE ORDER.

APPROVED AS TO FORM

Allen J. Oliver by LM

Minority Counsel

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WHEREAS, many perpetrators of mass shootings have been or are diagnosed with serious mental illnesses at the time of committing their crimes or shortly thereafter; and

WHEREAS, the recent mass shootings in Brooklyn and in Buffalo have focused public attention on proposals to prevent persons who are a threat to themselves or others from gaining access to firearms; and

WHEREAS, it is recognized that the majority of individuals who are mentally ill are not violent or dangerous, but individuals who are involuntarily transported to any facility for

emergency psychiatric or behavioral care in Nassau County may pose a danger to themselves or others; and

WHEREAS, it is prudent to check the names and addresses of individuals being transported to such facilities by the Nassau County Police Department against the County's pistol licensing records to determine if an individual owns or has access to firearms; and

WHEREAS, checking the identities of these individuals against the pistol licensing records provides the Police Department with important information that can be used to better protect public safety; and

WHEREAS, following the racially motivated mass shooting in Buffalo by an individual with a history of mental health issues, it would be prudent for Nassau County and its Police Department to strengthen its procedures regarding the filing of an application for an extreme risk protective order; and

WHEREAS, this Legislature seeks to protect the community and individuals that pose a threat to themselves and to others from committing an act that may cause irreparable harm to themselves and the residents of this County; now, therefore

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

Section 1. The Miscellaneous Laws of Nassau County is amended by adding Title 90, which shall read as follows:

Title 90

PISTOL LICENSURE REVIEW OF INDIVIDUALS WHO HAVE BEEN INVOLUNTARILY TRANSPORTED TO ANY FACILITY IN NASSAU COUNTY FOR EMERGENCY PSYCHIATRIC OR BEHAVIORAL CARE AND PROCEDURES REGARDING THE FILING OF AN APPLICATION FOR AN EXTREME RISK PROTECTIVE ORDER

Section 1. Whenever Nassau County Police Department personnel involuntarily transports an individual to any facility in Nassau County for emergency psychiatric or behavioral care, the Police Department shall check such individual's identifying information, including home address, against the records of the Nassau County Police Department Pistol Licensing Section within

twenty-four hours of such transport. If the individual that is being transported is unable to provide a home address, the Nassau County Police Department shall utilize the location at which the individual was encountered by law enforcement.

Section 2. Pursuant to Section 1 of this title, if the information reviewed by the Nassau Police Department corresponds with the identifying information of a pistol licensee in the records of the Pistol Licensing Section, then the Nassau County Police Department shall investigate and take all necessary action to determine the appropriate status of the subject pistol license.

Section 3. With respect to any individual who has been involuntarily transported to an any facility in Nassau County for emergency psychiatric or behavioral care, the Nassau County Police Department shall determine whether the facts and circumstances justify the filing of an application for an extreme risk protective order pursuant to Article 63-a of the Civil Practice Law and Rules. In the event it is determined that the aforesaid application is justified, the Nassau County Police Department shall file such application in accordance with Article 63-a of the Civil Practice Law and Rules.

Section 4. The Nassau County Police Department shall develop a plan in conjunction with law enforcement agencies outside of the Nassau County Police District to establish similar policies and ensure that said agencies are reporting the information as prescribed by sections 1 and 2 of this title to the Nassau County Police Department Pistol Licensing Section.

§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: Legislator Joshua Lafazan
Co-Sponsored by: Legislator Debra Mulé, Legislator Arnold Drucker, and Legislator Delia DeRiggi-Whitton

LOCAL LAW NO. – 2022

A LOCAL LAW ADDING TITLE 90 TO THE MISCELLANEOUS LAWS OF NASSAU COUNTY, IN RELATION TO AUTHORIZING THE NASSAU COUNTY POLICE DEPARTMENT TO REVIEW THE PISTOL LICENSURE STATUS OF INDIVIDUALS WHO HAVE BEEN INVOLUNTARILY TRANSPORTED TO ANY FACILITY IN NASSAU COUNTY FOR EMERGENCY PSYCHIATRIC OR BEHAVIORAL CARE AND PROCEDURES REGARDING THE FILING OF AN APPLICATION FOR AN EXTREME RISK PROTECTIVE ORDER.

APPROVED AS TO FORM

Peter J. Clima by JLR

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WHEREAS, it is recognized that the majority of individuals who are mentally ill are not violent or dangerous, but individuals who are involuntarily transported to any facility for

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WHEREAS, it is prudent to check the names and addresses of individuals being transported to such facilities by the Nassau County Police Department against the County's pistol licensing records to determine if an individual owns or has access to firearms; and

WHEREAS, checking the identities of these individuals against the pistol licensing records provides the Police Department with important information that can be used to better protect public safety; and

WHEREAS, following the racially motivated mass shooting in Buffalo by an individual with a history of mental health issues, it would be prudent for Nassau County and its Police Department to strengthen its procedures regarding the filing of an application for an extreme risk protective order; and

WHEREAS, this Legislature seeks to protect the community and individuals that pose a threat to themselves and to others from committing an act that may cause irreparable harm to themselves and the residents of this County; now, therefore

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

Section 1. The Miscellaneous Laws of Nassau County is amended by adding Title 88, which shall read as follows:

Tile 90

PISTOL LICENSURE REVIEW OF INDIVIDUALS WHO HAVE BEEN INVOLUNTARILY TRANSPORTED TO ANY FACILITY IN NASSAU COUNTY FOR EMERGENCY PSYCHIATRIC OR BEHAVIORAL CARE AND PROCEDURES REGARDING THE FILING OF AN APPLICATION FOR AN EXTREME RISK PROTECTIVE ORDER

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§4 This law shall take effect thirty days from final adoption.