

The Legislature of Rockland County



ARON B. WIEDER

Legislator – District 13

Chair, Public Safety Committee

AGENDA
PUBLIC SAFETY COMMITTEE
TUESDAY, MAY 31, 2016
6:00 PM

ROLL CALL

PLEDGE OF ALLEGIANCE

ADOPTION OF MINUTES, MEETING OF APRIL 26, 2016

1. REF. #5327 - APPROVING ACCEPTANCE OF A CONTINUATION GRANT IN THE AMOUNT OF \$12,000 (NCTD) FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES FOR PROJECT GIVE (GUN INVOLVED VIOLENCE ELIMINATION) FOR THE PERIOD JULY 1, 2016 THROUGH JUNE 30, 2017 AND AUTHORIZING EXECUTION OF ALL NECESSARY GRANT DOCUMENTS BY THE COUNTY EXECUTIVE [OFFICE OF THE SHERIFF] (\$12,000)
(LOUIS FALCO, SHERIFF)
DL#2016-01413
2. REF. #9181 - APPROVING ACCEPTANCE OF GRANT FUNDS IN THE ADDITIONAL AMOUNT OF \$10,000 (NCTD) FOR A TOTAL GRANT AMOUNT OF \$37,170.52 FROM THE STATE OF NEW YORK GOVERNOR'S TRAFFIC SAFETY COMMITTEE TO BE USED FOR STOP-DWI CRACKDOWN ENFORCEMENT FOR THE PERIOD OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2016 AND AUTHORIZING EXECUTION OF ALL NECESSARY GRANT DOCUMENTS BY THE COUNTY EXECUTIVE [STOP-DWI DEPARTMENT] (\$37,170.52)
(LESLIE BERGER, COORDINATOR, STOP-DWI)
DL#2016-01606
3. REF. #9361 - AUTHORIZING AN INTERMUNICIPAL COOPERATION AGREEMENT BETWEEN THE COUNTY OF ROCKLAND AND THE VILLAGE OF SUFFERN FOR REIMBURSEMENT FOR PACKEYE AND/OR PERSONAL RADIATION DETECTOR (PRD) TRAINING AS OUTLINED IN THE SECURING THE CITIES INITIATIVE SUPPORTED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, STATE OF NEW YORK AND THE NEW YORK STATE POLICE, FOR THE PERIOD SEPTEMBER 29, 2015 THROUGH SEPTEMBER 30, 2015 IN THE TOTAL AMOUNT OF \$4956.16 AND AUTHORIZING THE EXECUTION OF THIS AGREEMENT BY THE COUNTY EXECUTIVE [SHERIFF'S DEPARTMENT] (\$4,956.16)
(LOUIS FALCO, SHERIFF)
DL#2016-00099
4. REF. #9361 - AUTHORIZING AN INTERMUNICIPAL COOPERATION AGREEMENT BETWEEN THE COUNTY OF ROCKLAND AND THE TOWN OF ORANGETOWN FOR REIMBURSEMENT FOR PACKEYE AND/OR PERSONAL RADIATION DETECTOR (PRD) TRAINING AS OUTLINED IN THE SECURING THE CITIES INITIATIVE SUPPORTED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, STATE OF NEW YORK AND THE NEW YORK STATE POLICE, FOR THE PERIOD SEPTEMBER 29, 2015 THROUGH OCTOBER 1, 2015 IN THE TOTAL AMOUNT OF \$3,743.73 AND AUTHORIZING THE EXECUTION OF THIS AGREEMENT BY THE COUNTY EXECUTIVE [SHERIFF'S DEPARTMENT] (\$3,743.73)
(LOUIS FALCO, SHERIFF)
DL#2016-00130

5. REF. #9361 - AUTHORIZING AN INTERMUNICIPAL COOPERATION AGREEMENT BETWEEN THE COUNTY OF ROCKLAND AND THE TOWN OF RAMAPO FOR REIMBURSEMENT FOR PACKEYE AND/OR PERSONAL RADIATION DETECTOR (PRD) TRAINING AS OUTLINED IN THE SECURING THE CITIES INITIATIVE SUPPORTED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, STATE OF NEW YORK AND THE NEW YORK STATE POLICE, FOR THE PERIOD OCTOBER 1, 2015 THROUGH OCTOBER 1, 2015 IN THE TOTAL AMOUNT OF \$1,163.68 AND AUTHORIZING THE EXECUTION OF THIS AGREEMENT BY THE COUNTY EXECUTIVE [SHERIFF'S DEPARTMENT] (\$1,163.68)
(LOUIS FALCO, SHERIFF)
DL#2016-00131
6. REF. #9361 - AUTHORIZING AN INTERMUNICIPAL COOPERATION AGREEMENT BETWEEN THE COUNTY OF ROCKLAND AND THE TOWN OF HAVERSTRAW FOR REIMBURSEMENT FOR PACKEYE AND/OR PERSONAL RADIATION DETECTOR (PRD) TRAINING AS OUTLINED IN THE SECURING THE CITIES INITIATIVE SUPPORTED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, STATE OF NEW YORK AND THE NEW YORK STATE POLICE, FOR THE PERIOD SEPTEMBER 29, 2015 THROUGH OCTOBER 1, 2015 IN THE TOTAL AMOUNT OF \$3,674.40 AND AUTHORIZING THE EXECUTION OF THIS AGREEMENT BY THE COUNTY EXECUTIVE [SHERIFF'S DEPARTMENT] (\$3,674.40)
(LOUIS FALCO, SHERIFF)
DL#2016-00132
7. REF. #9361 - AUTHORIZING AN INTERMUNICIPAL COOPERATION AGREEMENT BETWEEN THE COUNTY OF ROCKLAND AND THE TOWN OF STONY POINT FOR REIMBURSEMENT FOR PACKEYE AND/OR PERSONAL RADIATION DETECTOR (PRD) TRAINING AS OUTLINED IN THE SECURING THE CITIES INITIATIVE SUPPORTED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, STATE OF NEW YORK AND THE NEW YORK STATE POLICE, FOR THE PERIOD SEPTEMBER 29, 2015 THROUGH SEPTEMBER 29, 2015 IN THE TOTAL AMOUNT OF \$598.88 AND AUTHORIZING THE EXECUTION OF THIS AGREEMENT BY THE COUNTY EXECUTIVE [SHERIFF'S DEPARTMENT] (\$598.88)
(LOUIS FALCO, SHERIFF)
DL#2016-00133
8. REF. #9361 - AUTHORIZING AN INTERMUNICIPAL COOPERATION AGREEMENT BETWEEN THE COUNTY OF ROCKLAND AND THE VILLAGE OF SPRING VALLEY FOR REIMBURSEMENT FOR PACKEYE AND/OR PERSONAL RADIATION DETECTOR (PRD) TRAINING AS OUTLINED IN THE SECURING THE CITIES INITIATIVE SUPPORTED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, STATE OF NEW YORK AND THE NEW YORK STATE POLICE, FOR THE PERIOD SEPTEMBER 29, 2015 THROUGH OCTOBER 1, 2015 IN THE TOTAL AMOUNT OF \$7,245.52 AND AUTHORIZING THE EXECUTION OF THIS AGREEMENT BY THE COUNTY EXECUTIVE [SHERIFF'S DEPARTMENT] (\$7,245.52)
(LOUIS FALCO, SHERIFF)
DL#2016-00134
9. REF. #9361 - AUTHORIZING AN INTERMUNICIPAL COOPERATION AGREEMENT BETWEEN THE COUNTY OF ROCKLAND AND THE VILLAGE OF SOUTH NYACK FOR REIMBURSEMENT FOR PACKEYE AND/OR PERSONAL RADIATION DETECTOR (PRD) TRAINING AS OUTLINED IN THE SECURING THE CITIES INITIATIVE SUPPORTED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, STATE OF NEW YORK AND THE NEW YORK STATE POLICE, FOR THE PERIOD SEPTEMBER 29, 2015 THROUGH SEPTEMBER 29, 2015 IN THE TOTAL AMOUNT OF \$376 AND AUTHORIZING THE EXECUTION OF THIS AGREEMENT BY THE COUNTY EXECUTIVE [SHERIFF'S DEPARTMENT] (\$376)
(LOUIS FALCO, SHERIFF)
DL#2016-00135

10. REF. #9361 - AUTHORIZING AN INTERMUNICIPAL COOPERATION AGREEMENT BETWEEN THE COUNTY OF ROCKLAND AND THE VILLAGE OF PIERMONT FOR REIMBURSEMENT FOR PACKEYE AND/OR PERSONAL RADIATION DETECTOR (PRD) TRAINING AS OUTLINED IN THE SECURING THE CITIES INITIATIVE SUPPORTED BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY, STATE OF NEW YORK AND THE NEW YORK STATE POLICE, FOR THE PERIOD SEPTEMBER 29, 2015 THROUGH SEPTEMBER 29, 2015 IN THE TOTAL AMOUNT OF \$1,618.64 AND AUTHORIZING THE EXECUTION OF THIS AGREEMENT BY THE COUNTY EXECUTIVE [SHERIFF'S DEPARTMENT] (\$1,618.64)
(LOUIS FALCO, SHERIFF)
DL#2016-00136

11. REF. #9361 - APPROVING THE ACCEPTANCE OF FUNDS IN THE AMOUNT OF \$25,254.13 (NCTD) RECEIVED FROM THE CITY OF NEW YORK IN ORDER TO REIMBURSE VARIOUS MUNICIPAL POLICE DEPARTMENTS FOR PACKEYE AND/OR PERSONAL RADIATION DETECTOR (PRD) TRAINING UNDER THE SECURE THE CITIES PROGRAM [OFFICE OF THE SHERIFF] (\$25,254.13)
(LOUIS FALCO, SHERIFF)
DL#2016-00364

12. REF. #5426 - URGING THE NEW YORK STATE LEGISLATURE TO PASS ASSEMBLY BILL A.8613-A AND SENATE BILL S.6325-A ENACTING "EVAN'S LAW" - AN ACT TO AMEND THE VEHICLE AND TRAFFIC LAW AND THE EXECUTIVE LAW IN RELATION TO THE FIELD TESTING OF MOBILE TELEPHONES AND PORTABLE ELECTRONIC DEVICES AFTER A MOTOR VEHICLE ACCIDENT OR COLLISION INVOLVING DAMAGE TO REAL OR PERSONAL PROPERTY, PERSONAL INJURY OR DEATH
(HON. LAURIE SANTULLI, LEGISLATURE)
LG# 2016-50

13. REF. #3657 - *DISCUSSION ITEM:* SENIOR CITIZEN SECURITY AND SAFETY PROTECTION AND PREVENTION PROGRAMS IN ROCKLAND COUNTY
(HON. ANEY PAUL, LEGISLATURE)

"The Rockland County Legislature is committed to full compliance with the Americans with Disabilities Act. To that end, the Legislature is committed to creating an accessible environment for all. To request accommodations that you may require, please call Damaris Alvarez at 845-638-5248 (845-708-7899 for TTY/TDD). Please request these accommodations three (3) days in advance so that we can seek to meet your needs."

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of a continuation grant in the amount of \$12,000 from the New York State Division of Criminal Justice Services for Project GIVE (Gun Involved Violence Elimination) for the period July 1, 2016 through June 30, 2017, and authorizes execution of all necessary grant documents by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That no County tax dollars (NCTD) are required to accept said grant; and be it further

RESOLVED, That the Commissioner of Finance is hereby authorized to increase the following accounts in the amounts indicated:

GENERAL FUND - 2016

Increase Approp. Acct. (Credit):

A -SHF -3112 -GS56 -E1110	Overtime	10,500
-E5060	Program Costs	1,500

Increase Est. Rev. Acct. (Debit):

A -SHF -3112 -GS56 -R3380	Public Safety Grant(s)	12,000
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AFR:dc
2016-01413
4-19-16

Introduced by:

Referral No.

DRAFT

**RESOLUTION NO. OF 2016
APPROVING ACCEPTANCE OF GRANT FUNDS
IN THE ADDITIONAL AMOUNT OF \$10,000 (NCTD)
FOR A TOTAL GRANT AMOUNT OF \$37,170.52
FROM THE STATE OF NEW YORK
GOVERNOR'S TRAFFIC SAFETY COMMITTEE
TO BE USED FOR STOP-DWI CRACKDOWN ENFORCEMENT
FOR THE PERIOD OCTOBER 1, 2015 THROUGH SEPTEMBER 30, 2016
AND AUTHORIZING EXECUTION OF ALL NECESSARY
GRANT DOCUMENTS BY THE COUNTY EXECUTIVE
[STOP-DWI DEPARTMENT]
(\$37,170.52)**

WHEREAS, By Resolution No. 588 of 2015, the Legislature of Rockland County approved acceptance of a grant from the State of New York Governor's Traffic Safety Committee to be used for STOP-DWI Crackdown Enforcement in the amount of \$27,170.52 for the period from October 1, 2015 through September 30, 2016; and

WHEREAS, The County Executive has been advised by the STOP-DWI Coordinator that the New York State Governor's Traffic Safety Committee has awarded Rockland a STOP-DWI Crackdown Enforcement Grant in the additional amount of \$10,000 for the period October 1, 2015 through September 30, 2016; and

WHEREAS, This grant is funded by the State of New York Governor's Traffic Safety Committee but administered by the New York State STOP-DWI Foundation; and

WHEREAS, No County tax dollars (NCTD) are required to accept this grant; and

WHEREAS, It is necessary to appropriate these funds to the proper account; and

WHEREAS, The Budget and Finance Committee of the Legislature has met, considered and approved this resolution; now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of a STOP-DWI Crackdown Enforcement Grant in the additional amount of \$10,000, for a total grant amount of \$37,170.52, for the period October 1, 2015 through September 30, 2016, and authorizes execution of all necessary grant documents by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That this grant is funded by the State of New York Governor's Traffic Safety Committee but administered by the New York State STOP-DWI Foundation; and be it further

RESOLVED, That no County tax dollars (NCTD) are required to accept this grant; and be it further

RESOLVED, That the Commissioner of Finance is hereby authorized to increase the following accounts in the amounts indicated:

GENERAL FUND - 2016

Increase Approp. Acct. (Credit):

A-EXE-4250-GX06-E5060	Program Costs	10,000
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Increase Est. Rev. Acct. (Debit):

A-EXE-4250-GX06-R3380	Public Safety Grant(s)	10,000
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LF:dc
2016-01606
5-3-16

DRAFT

Introduced by:

Referral No.

RESOLUTION NO. OF 2016
AUTHORIZING AN INTERMUNICIPAL COOPERATION AGREEMENT
BETWEEN THE COUNTY OF ROCKLAND AND THE VILLAGE OF SUFFERN
FOR REIMBURSEMENT FOR PACKEYE AND/OR
PERSONAL RADIATION DETECTOR (PRD) TRAINING
AS OUTLINED IN THE SECURING THE CITIES INITIATIVE SUPPORTED
BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY,
STATE OF NEW YORK AND THE NEW YORK STATE POLICE,
FOR THE PERIOD SEPTEMBER 29, 2015 THROUGH SEPTEMBER 30, 2015
IN THE TOTAL AMOUNT OF \$4956.16
AND AUTHORIZING THE EXECUTION OF
THIS AGREEMENT BY THE COUNTY EXECUTIVE
[SHERIFF'S DEPARTMENT]
(\$4,956.16)

WHEREAS, By Resolution 279 of 2007, the Legislature of Rockland County approved an intermunicipal agreement with the City of New York through its New York City Police Department, One Police Plaza, New York, New York 10038, for the procurement and distribution of goods (which goods shall be at no cost to the County), services and construction projects, including the receipt of equipment and training with regard to the "Securing the Cities Initiative" supported by the United States Department of Homeland Security, the State of New York and the New York State Police, and further authorized its execution by the County Executive; and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipal governments to perform together that which each government is authorized to perform individually and requires that any intermunicipal cooperation agreement be approved by each participating municipal corporation by a majority vote of the voting strength of its governing body; and

WHEREAS, The Sheriff of Rockland County is recommending that the County enter into an intermunicipal agreement with the Village of Suffern for reimbursement to the Suffern Police Department for PackEye and/or Personal Radiation Detector (PRD) training as outlined in the Securing the Cities agreement dated March 30, 2007, for the period September 29, 2015 through September 30, 2015 in the total amount of \$4,956.16; and

WHEREAS, Funding from the City of New York that will cover this agreement is being appropriated to Dept. 3108, line E4920 via a separate resolution; and

WHEREAS, The _____ Committees of the Legislature have met, considered and _____ approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the intermunicipal cooperation agreement between the County of Rockland and the Village of Suffern for reimbursement to the Suffern Police Department for PackEye and/or Personal Radiation Detector (PRD) training as outlined in the Securing the Cities agreement dated March 30, 2007, for the period September 29, 2015 through September 30, 2015 in the total amount of \$4,956.16, and authorizes the execution of this agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That funding from the City of New York that will cover this agreement is being appropriated to Dept. 3108, line E4920 via a separate resolution.

AR:vma
2016-00099
5/9/16

Introduced by:

DRAFT

Referral No.

**RESOLUTION NO. OF 2016
AUTHORIZING AN INTERMUNICIPAL COOPERATION AGREEMENT
BETWEEN THE COUNTY OF ROCKLAND AND THE TOWN OF ORANGETOWN
FOR REIMBURSEMENT FOR PACKEYE AND/OR
PERSONAL RADIATION DETECTOR (PRD) TRAINING
AS OUTLINED IN THE SECURING THE CITIES INITIATIVE SUPPORTED
BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY,
STATE OF NEW YORK AND THE NEW YORK STATE POLICE,
FOR THE PERIOD SEPTEMBER 29, 2015 THROUGH OCTOBER 1, 2015
IN THE TOTAL AMOUNT OF \$3,743.73
AND AUTHORIZING THE EXECUTION OF
THIS AGREEMENT BY THE COUNTY EXECUTIVE
[SHERIFF'S DEPARTMENT]
(\$3,743.73)**

WHEREAS, By Resolution 279 of 2007, the Legislature of Rockland County approved an intermunicipal agreement with the City of New York through its New York City Police Department, One Police Plaza, New York, New York 10038, for the procurement and distribution of goods (which goods shall be at no cost to the County), services and construction projects, including the receipt of equipment and training with regard to the "Securing the Cities Initiative" supported by the United States Department of Homeland Security, the State of New York and the New York State Police, and further authorized its execution by the County Executive; and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipal governments to perform together that which each government is authorized to perform individually and requires that any intermunicipal cooperation agreement be approved by each participating municipal corporation by a majority vote of the voting strength of its governing body; and

WHEREAS, The Sheriff of Rockland County is recommending that the County enter into an intermunicipal agreement with the Town of Orangetown for reimbursement to the Orangetown Police Department for PackEye and/or Personal Radiation Detector (PRD) training as outlined in the Securing the Cities agreement dated March 30, 2007, for the period September 29, 2015 through October 1, 2015 in the total amount of \$3,743.73; and

WHEREAS, Funding from the City of New York that will cover this agreement is being appropriated to Dept. 3108, line E4920 via a separate resolution; and

WHEREAS, The _____ Committees of the Legislature have met, considered and _____ approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the intermunicipal cooperation agreement between the County of Rockland and the Town of Orangetown for reimbursement to the Orangetown Police Department for PackEye and/or Personal Radiation Detector (PRD) training as outlined in the Securing the Cities agreement dated March 30, 2007, for the period September 29, 2015 through October 1, 2015 in the total amount of \$3,743.73, and authorizes the execution of this agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That funding from the City of New York that will cover this agreement is being appropriated to Dept. 3108, line E4920 via a separate resolution.

AR:vma
2016-00130
5/5/16

Introduced by:

DRAFT

Referral No.

RESOLUTION NO. OF 2016
AUTHORIZING AN INTERMUNICIPAL COOPERATION AGREEMENT
BETWEEN THE COUNTY OF ROCKLAND AND THE TOWN OF RAMAPO
FOR REIMBURSEMENT FOR PACKEYE AND/OR
PERSONAL RADIATION DETECTOR (PRD) TRAINING
AS OUTLINED IN THE SECURING THE CITIES INITIATIVE SUPPORTED
BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY,
STATE OF NEW YORK AND THE NEW YORK STATE POLICE,
FOR THE PERIOD OCTOBER 1, 2015 THROUGH OCTOBER 1, 2015
IN THE TOTAL AMOUNT OF \$1,163.68
AND AUTHORIZING THE EXECUTION OF
THIS AGREEMENT BY THE COUNTY EXECUTIVE
[SHERIFF'S DEPARTMENT]
(\$1,163.68)

WHEREAS, By Resolution 279 of 2007, the Legislature of Rockland County approved an intermunicipal agreement with the City of New York through its New York City Police Department, One Police Plaza, New York, New York 10038, for the procurement and distribution of goods (which goods shall be at no cost to the County), services and construction projects, including the receipt of equipment and training with regard to the "Securing the Cities Initiative" supported by the United States Department of Homeland Security, the State of New York and the New York State Police, and further authorized its execution by the County Executive; and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipal governments to perform together that which each government is authorized to perform individually and requires that any intermunicipal cooperation agreement be approved by each participating municipal corporation by a majority vote of the voting strength of its governing body; and

WHEREAS, The Sheriff of Rockland County is recommending that the County enter into an intermunicipal agreement with the Town of Ramapo for reimbursement to the Ramapo Police Department for PackEye and/or Personal Radiation Detector (PRD) training as outlined in the Securing the Cities agreement dated March 30, 2007, for the period October 1, 2015 through October 1, 2015 in the total amount of \$1,163.68; and

WHEREAS, Funding from the City of New York that will cover this agreement is being appropriated to Dept. 3108, line E4920 via a separate resolution; and

WHEREAS, The _____ Committees of the Legislature have met, considered and _____ approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the intermunicipal cooperation agreement between the County of Rockland and the Town of Ramapo for reimbursement to the Ramapo Police Department for PackEye and/or Personal Radiation Detector (PRD) training as outlined in the Securing the Cities agreement dated March 30, 2007, for the period October 1, 2015 through October 1, 2015 in the total amount of \$1,163.68, and authorizes the execution of this agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That funding from the City of New York that will cover this agreement is being appropriated to Dept. 3108, line E4920 via a separate resolution.

AR:vma
2016-00131
5/5/16

Introduced by:

DRAFT

Referral No.

RESOLUTION NO. OF 2016
AUTHORIZING AN INTERMUNICIPAL COOPERATION AGREEMENT
BETWEEN THE COUNTY OF ROCKLAND AND THE TOWN OF HAVERSTRAW
FOR REIMBURSEMENT FOR PACKEYE AND/OR
PERSONAL RADIATION DETECTOR (PRD) TRAINING
AS OUTLINED IN THE SECURING THE CITIES INITIATIVE SUPPORTED
BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY,
STATE OF NEW YORK AND THE NEW YORK STATE POLICE,
FOR THE PERIOD SEPTEMBER 29, 2015 THROUGH OCTOBER 1, 2015
IN THE TOTAL AMOUNT OF \$3,674.40
AND AUTHORIZING THE EXECUTION OF
THIS AGREEMENT BY THE COUNTY EXECUTIVE
[SHERIFF'S DEPARTMENT]
(\$3,674.40)

WHEREAS, By Resolution 279 of 2007, the Legislature of Rockland County approved an intermunicipal agreement with the City of New York through its New York City Police Department, One Police Plaza, New York, New York 10038, for the procurement and distribution of goods (which goods shall be at no cost to the County), services and construction projects, including the receipt of equipment and training with regard to the "Securing the Cities Initiative" supported by the United States Department of Homeland Security, the State of New York and the New York State Police, and further authorized its execution by the County Executive; and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipal governments to perform together that which each government is authorized to perform individually and requires that any intermunicipal cooperation agreement be approved by each participating municipal corporation by a majority vote of the voting strength of its governing body; and

WHEREAS, The Sheriff of Rockland County is recommending that the County enter into an intermunicipal agreement with the Town of Haverstraw for reimbursement to the Haverstraw Police Department for PackEye and/or Personal Radiation Detector (PRD) training as outlined in the Securing the Cities agreement dated March 30, 2007, for the period September 29, 2015 through October 1, 2015 in the total amount of \$3,674.40; and

WHEREAS, Funding from the City of New York that will cover this agreement is being appropriated to Dept. 3108, line E4920 via a separate resolution; and

WHEREAS, The _____ Committees of the Legislature have met, considered and _____ approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the intermunicipal cooperation agreement between the County of Rockland and the Town of Haverstraw for reimbursement to the Haverstraw Police Department for PackEye and/or Personal Radiation Detector (PRD) training as outlined in the Securing the Cities agreement dated March 30, 2007, for the period September 29, 2015 through October 1, 2015 in the total amount of \$3,674.40, and authorizes the execution of this agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That funding from the City of New York that will cover this agreement is being appropriated to Dept. 3108, line E4920 via a separate resolution.

AR:vma
2016-00132
5/9/16

Introduced by:

DRAFT

Referral No.

**RESOLUTION NO. OF 2016
AUTHORIZING AN INTERMUNICIPAL COOPERATION AGREEMENT
BETWEEN THE COUNTY OF ROCKLAND AND THE TOWN OF STONY POINT
FOR REIMBURSEMENT FOR PACKEYE AND/OR
PERSONAL RADIATION DETECTOR (PRD) TRAINING
AS OUTLINED IN THE SECURING THE CITIES INITIATIVE SUPPORTED
BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY,
STATE OF NEW YORK AND THE NEW YORK STATE POLICE,
FOR THE PERIOD SEPTEMBER 29, 2015 THROUGH SEPTEMBER 29, 2015
IN THE TOTAL AMOUNT OF \$598.88
AND AUTHORIZING THE EXECUTION OF
THIS AGREEMENT BY THE COUNTY EXECUTIVE
[SHERIFF'S DEPARTMENT]
(\$598.88)**

WHEREAS, By Resolution 279 of 2007, the Legislature of Rockland County approved an intermunicipal agreement with the City of New York through its New York City Police Department, One Police Plaza, New York, New York 10038, for the procurement and distribution of goods (which goods shall be at no cost to the County), services and construction projects, including the receipt of equipment and training with regard to the "Securing the Cities Initiative" supported by the United States Department of Homeland Security, the State of New York and the New York State Police, and further authorized its execution by the County Executive; and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipal governments to perform together that which each government is authorized to perform individually and requires that any intermunicipal cooperation agreement be approved by each participating municipal corporation by a majority vote of the voting strength of its governing body; and

WHEREAS, The Sheriff of Rockland County is recommending that the County enter into an intermunicipal agreement with the Town of Stony Point for reimbursement to the Stony Point Police Department for PackEye and/or Personal Radiation Detector (PRD) training as outlined in the Securing the Cities agreement dated March 30, 2007, for the period September 29, 2015 through September 29, 2015 in the total amount of \$598.88; and

WHEREAS, Funding from the City of New York that will cover this agreement is being appropriated to Dept. 3108, line E4920 via a separate resolution; and

WHEREAS, The _____ Committees of the Legislature have met, considered and _____ approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the intermunicipal cooperation agreement between the County of Rockland and the Town of Stony Point for reimbursement to the Stony Point Police Department for PackEye and/or Personal Radiation Detector (PRD) training as outlined in the Securing the Cities agreement dated March 30, 2007, for the period September 29, 2015 through September 29, 2015 in the total amount of \$598.88, and authorizes the execution of this agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That funding from the City of New York that will cover this agreement is being appropriated to Dept. 3108, line E4920 via a separate resolution.

AR:vma
2016-00133
5/9/16

Introduced by:

DRAFT

Referral No.

**RESOLUTION NO. OF 2016
AUTHORIZING AN INTERMUNICIPAL COOPERATION AGREEMENT
BETWEEN THE COUNTY OF ROCKLAND AND
THE VILLAGE OF SPRING VALLEY
FOR REIMBURSEMENT FOR PACKEYE AND/OR
PERSONAL RADIATION DETECTOR (PRD) TRAINING
AS OUTLINED IN THE SECURING THE CITIES INITIATIVE SUPPORTED
BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY,
STATE OF NEW YORK AND THE NEW YORK STATE POLICE,
FOR THE PERIOD SEPTEMBER 29, 2015 THROUGH OCTOBER 1, 2015
IN THE TOTAL AMOUNT OF \$7,245.52
AND AUTHORIZING THE EXECUTION OF
THIS AGREEMENT BY THE COUNTY EXECUTIVE
[SHERIFF'S DEPARTMENT]
(\$7,245.52)**

WHEREAS, By Resolution 279 of 2007, the Legislature of Rockland County approved an intermunicipal agreement with the City of New York through its New York City Police Department, One Police Plaza, New York, New York 10038, for the procurement and distribution of goods (which goods shall be at no cost to the County), services and construction projects, including the receipt of equipment and training with regard to the "Securing the Cities Initiative" supported by the United States Department of Homeland Security, the State of New York and the New York State Police, and further authorized its execution by the County Executive; and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipal governments to perform together that which each government is authorized to perform individually and requires that any intermunicipal cooperation agreement be approved by each participating municipal corporation by a majority vote of the voting strength of its governing body; and

WHEREAS, The Sheriff of Rockland County is recommending that the County enter into an intermunicipal agreement with the Village of Spring Valley for reimbursement to the Spring Valley Police Department for PackEye and/or Personal Radiation Detector (PRD) training as outlined in the Securing the Cities agreement dated March 30, 2007, for the period September 29, 2015 through October 1, 2015 in the total amount of \$7,245.52; and

WHEREAS, Funding from the City of New York that will cover this agreement is being appropriated to Dept. 3108, line E4920 via a separate resolution; and

WHEREAS, The _____ Committees of the Legislature have met, considered and _____ approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the intermunicipal cooperation agreement between the County of Rockland and the Village of Spring Valley for reimbursement to the Spring Valley Police Department for PackEye and/or Personal Radiation Detector (PRD) training as outlined in the Securing the Cities agreement dated March 30, 2007, for the period September 29, 2015 through October 1, 2015 in the total amount of \$7,245.52, and authorizes the execution of this agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That funding from the City of New York that will cover this agreement is being appropriated to Dept. 3108, line E4920 via a separate resolution.

AR:vma
2016-00134
5/9/16

Introduced by:

DRAFT

Referral No.

RESOLUTION NO. OF 2016
AUTHORIZING AN INTERMUNICIPAL COOPERATION AGREEMENT
BETWEEN THE COUNTY OF ROCKLAND AND THE VILLAGE OF SOUTH NYACK
FOR REIMBURSEMENT FOR PACKEYE AND/OR
PERSONAL RADIATION DETECTOR (PRD) TRAINING
AS OUTLINED IN THE SECURING THE CITIES INITIATIVE SUPPORTED
BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY,
STATE OF NEW YORK AND THE NEW YORK STATE POLICE,
FOR THE PERIOD SEPTEMBER 29, 2015 THROUGH SEPTEMBER 29, 2015
IN THE TOTAL AMOUNT OF \$376
AND AUTHORIZING THE EXECUTION OF
THIS AGREEMENT BY THE COUNTY EXECUTIVE
[SHERIFF'S DEPARTMENT]
(\$376)

WHEREAS, By Resolution 279 of 2007, the Legislature of Rockland County approved an intermunicipal agreement with the City of New York through its New York City Police Department, One Police Plaza, New York, New York 10038, for the procurement and distribution of goods (which goods shall be at no cost to the County), services and construction projects, including the receipt of equipment and training with regard to the "Securing the Cities Initiative" supported by the United States Department of Homeland Security, the State of New York and the New York State Police, and further authorized its execution by the County Executive; and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipal governments to perform together that which each government is authorized to perform individually and requires that any intermunicipal cooperation agreement be approved by each participating municipal corporation by a majority vote of the voting strength of its governing body; and

WHEREAS, The Sheriff of Rockland County is recommending that the County enter into an intermunicipal agreement with the Village of South Nyack for reimbursement to the South Nyack Police Department for PackEye and/or Personal Radiation Detector (PRD) training as outlined in the Securing the Cities agreement dated March 30, 2007, for the period September 29, 2015 through September 29, 2015 in the total amount of \$376; and

WHEREAS, Funding from the City of New York that will cover this agreement is being appropriated to Dept. 3108, line E4920 via a separate resolution; and

WHEREAS, The _____ Committees of the Legislature have met, considered and _____ approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the intermunicipal cooperation agreement between the County of Rockland and the Village of South Nyack for reimbursement to the South Nyack Police Department for PackEye and/or Personal Radiation Detector (PRD) training as outlined in the Securing the Cities agreement dated March 30, 2007, for the period September 29, 2015 through September 29, 2015 in the total amount of \$376, and authorizes the execution of this agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That funding from the City of New York that will cover this agreement is being appropriated to Dept. 3108, line E4920 via a separate resolution.

AR:vma
2016-00135
5/9/16

Introduced by:

DRAFT

Referral No.

RESOLUTION NO. OF 2016
AUTHORIZING AN INTERMUNICIPAL COOPERATION AGREEMENT
BETWEEN THE COUNTY OF ROCKLAND AND THE VILLAGE OF PIERMONT
FOR REIMBURSEMENT FOR PACKEYE AND/OR
PERSONAL RADIATION DETECTOR (PRD) TRAINING
AS OUTLINED IN THE SECURING THE CITIES INITIATIVE SUPPORTED
BY THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY,
STATE OF NEW YORK AND THE NEW YORK STATE POLICE,
FOR THE PERIOD SEPTEMBER 29, 2015 THROUGH SEPTEMBER 29, 2015
IN THE TOTAL AMOUNT OF \$1,618.64
AND AUTHORIZING THE EXECUTION OF
THIS AGREEMENT BY THE COUNTY EXECUTIVE
[SHERIFF'S DEPARTMENT]
(\$1,618.64)

WHEREAS, By Resolution 279 of 2007, the Legislature of Rockland County approved an intermunicipal agreement with the City of New York through its New York City Police Department, One Police Plaza, New York, New York 10038, for the procurement and distribution of goods (which goods shall be at no cost to the County), services and construction projects, including the receipt of equipment and training with regard to the "Securing the Cities Initiative" supported by the United States Department of Homeland Security, the State of New York and the New York State Police, and further authorized its execution by the County Executive; and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipal governments to perform together that which each government is authorized to perform individually and requires that any intermunicipal cooperation agreement be approved by each participating municipal corporation by a majority vote of the voting strength of its governing body; and

WHEREAS, The Sheriff of Rockland County is recommending that the County enter into an intermunicipal agreement with the Village of Piermont for reimbursement to the Piermont Police Department for PackEye and/or Personal Radiation Detector (PRD) training as outlined in the Securing the Cities agreement dated March 30, 2007, for the period September 29, 2015 through September 29, 2015 in the total amount of \$1,618.64; and

WHEREAS, Funding from the City of New York that will cover this agreement is being appropriated to Dept. 3108, line E4920 via a separate resolution; and

WHEREAS, The _____ Committees of the Legislature have met, considered and _____ approved this resolution, now, therefore, be it

RESOLVED, That the Legislature of Rockland County hereby approves the intermunicipal cooperation agreement between the County of Rockland and the Village Of Piermont for reimbursement to the Piermont Police Department for PackEye and/or Personal Radiation Detector (PRD) training as outlined in the Securing the Cities agreement dated March 30, 2007, for the period September 29, 2015 through September 29, 2015 in the total amount of \$1,618.64, and authorizes the execution of this agreement by the County Executive, subject to the approval of the County Attorney; and be it further

RESOLVED, That funding from the City of New York that will cover this agreement is being appropriated to Dept. 3108, line E4920 via a separate resolution.

AR:vma
2016-00136
5/9/16

RESOLVED, That the Legislature of Rockland County hereby approves the acceptance of funds in the amount of \$25,254.13 from the City of New York, which will be reimbursed to the Orangetown, Ramapo, Suffern, Haverstraw, Stony Point, Spring Valley, South Nyack-Grand View, Piermont police departments and for the Rockland County Office of the Sheriff, for PackEye and/or Personal Radiation Detector (PRD) training completed under the Secure the Cities Program; and be it further

RESOLVED, That no County Tax dollars (NCTD) are required to appropriate said funds; and be it further

RESOLVED, That the Commissioner of Finance is hereby authorized to increase the following accounts in the amounts indicated:

GENERAL FUND - 2016

Increase Approp. Acct. (Credit):

A-SHF-3108-E4920

Reimburse Municipalities

23,378⁷

Increase Est. Rev. Acct. (Debit):

A-SHF-3108-R2260

Public Safety Revenue - Other Gov'ts

23,378

AR:vma
2016-00364
3/9/16

DRAFT

Introduced by:
Hon. Laurie Santulli, Sponsor

Referral No. _____, 2016

RESOLUTION NO. _____ OF 2016
URGING THE NEW YORK STATE LEGISLATURE TO PASS ASSEMBLY BILL A.8613-A AND SENATE BILL S.6325-A ENACTING "EVAN'S LAW" - AN ACT TO AMEND THE VEHICLE AND TRAFFIC LAW AND THE EXECUTIVE LAW IN RELATION TO THE FIELD TESTING OF MOBILE TELEPHONES AND PORTABLE ELECTRONIC DEVICES AFTER A MOTOR VEHICLE ACCIDENT OR COLLISION INVOLVING DAMAGE TO REAL OR PERSONAL PROPERTY, PERSONAL INJURY OR DEATH

WHEREAS, Evan Lieberman was a nineteen-year-old college freshman when he was tragically killed in a motor vehicle accident caused by a distracted driver; and

WHEREAS, The cause of the accident however, was only discovered after Evan's family subpoenaed the driver's cell phone records, since police rarely examine mobile devices following an accident. In this case, the phone was not even removed from the car, leaving essential evidence sitting in a junk yard for weeks following his death; and

WHEREAS, Evan's tragic story sheds much needed light on the inability of law enforcement to adequately enforce the 2001 ban placed on handheld mobile device use while driving; and

WHEREAS, Distracted driving is the leading cause of accidents among young drivers, and has led to a significant increase in overall accidents among drivers of all ages; and

WHEREAS, this roughly equates to one in five accidents per year caused by distracted driving, and the problem only continues to escalate; and

WHEREAS, the cost associated with distracted driving is astronomical. The National Highway Traffic Safety Administration estimates that crashes caused by distracted driving cost the United States approximately \$175 billion per year, this is roughly \$148 per every American; and

WHEREAS, With sixty-seven percent of drivers reportedly still using their cell phones despite knowledge of the risk to themselves and other drivers, it is imperative that we tackle this issue before it claims more innocent lives; and

WHEREAS, this legislation provides law enforcement with a long overdue mechanism to evaluate cell phone use at the scene of an accident by directly connecting to the mobile device to determine whether it was in use at the time of the accident or immediately prior to its occurrence; and

WHEREAS, this bill embodies the type of legislation called for by Justice Alito in the recent Supreme Court case, *Riley v. California*, where the court held that a warrant is required to search the contents of a cell phone incident to an arrest. In his concurring opinion, Justice Alito stated that Congress or state legislatures may "after assessing the legitimate needs of law enforcement and the privacy interests of cell phone owners, enact legislation that draws reasonable distinctions based on categories of information or perhaps other variables"; and

WHEREAS, Assembly Bill A.8613-A and Senate Bill S.6325-A accomplish exactly what Justice Alito suggesting, as the equipment only has the capacity to determine whether the phone was in use at the time of the accident, and will not invade personal privacy by evaluating the personal content contained on the device.; and

WHEREAS, the Committee has met, considered and by a vote, approved this resolution; now therefore be it

RESOLVED, that the Legislature of Rockland County hereby urges the New York State Legislature to pass Assembly Bill A.8613-A and Senate pass Bill S.6325-A to enact Evan's Law an act to amend the Vehicle and Traffic Law and the Executive Law in relation to the field testing of mobile telephones and portable electronic devices after a motor vehicle accident or collision involving damage to real or personal property, personal injury or death - and requests that the Governor of New York sign such legislation; and be it further

RESOLVED, That the Clerk to the Legislature be and is hereby authorized and directed to send a copy of this resolution to Hon. Andrew M. Cuomo, Governor of the State of New York; Hon. David Carlucci, Hon. William J. Larkin, Jr., New York State Senators, Hon. Kenneth P. Zebrowski, Jr., Hon. Ellen C. Jaffee, Hon. James G. Skoufis, and Hon. Karl Brabanec, Members of the New York State Assembly; the President Pro Tem of the New York State Senate; the Speaker of the New York State Assembly; the Majority and Minority Leaders of the New York State Senate and Assembly; and to such other persons as the Clerk, in his discretion, may deem proper in order to effectuate the purpose of this resolution.

LG-2016-50
ELY
5-2-16

A08613 Summary:

BILL NO A08613A
SAME AS SAME AS
SPONSOR Ortiz
COSPNSR
MLTSPNSR

Amd §§215, 503 & 511, add §1225-e, V & T L; amd §837, Exec L

Provides for the field testing for use of mobile telephones and portable electronic devices while driving after an accident or collision.

A08613 Text:

STATE OF NEW YORK

8613--A

2015-2016 Regular Sessions

IN ASSEMBLY

December 16, 2015

Introduced by M. of A. ORTIZ -- read once and referred to the Committee on Transportation -- recommitted to the Committee on Transportation in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the vehicle and traffic law and the executive law, in relation to the field testing of mobile telephones and portable electronic devices after a motor vehicle accident or collision involving damage to real or personal property, personal injury or death

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative intent. The legislature hereby finds that the
2 use of mobile telephones and/or personal electronic devices has dras-
3 tically increased the prevalence of distracted driving. This destructive
4 behavior endangers the lives of every driver and passenger traveling on
5 New York state roadways. In 2001, this legislature enacted legislation
6 prohibiting the use of mobile telephones while driving, and in 2009
7 updated the law to include all portable electronic devices. The execu-
8 tive branch initiated a public campaign against cell phone use while
9 driving, and has even established "text stops" along all major highways.
10 While these efforts have brought much needed attention to the dangers of
11 distracted driving, reports indicate that 67 percent of drivers admit to
12 continued use of their cell phones while driving despite knowledge of
13 the inherent danger to themselves and others on the road. A 10 year
14 trend of declining collisions and casualties was reversed this year as
15 crashes are up 14 percent, and fatalities increased 8 percent, suggest-
16 ing that the problem has not only gotten worse, but is still greatly
17 misunderstood.
18 Furthermore, law enforcement has a difficult time enforcing these
19 public safety laws, especially after an accident where it is impossible

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

LBD13105-08-6

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2

1 to discern whether the operator of a motor vehicle was in fact using his
2 or her cell phone immediately prior to or at the time of the collision.
3 Empowering our law enforcement with technology, which is able to imme-
4 diately determine cell phone usage without an inquiry into the content,
5 will allow enforcement of these laws after an accident while still
6 protecting essential privacy rights. Therefore, the legislature finds
7 that while technology has created this grave danger, it also has the
8 capacity to aid law enforcement in tackling and eradicating distracted
9 driving caused by mobile telephones and personal electronic devices.
10 The legislature further finds that a driver's license is a privilege
11 granted by the state, and maintaining such privilege requires continued
12 compliance with established conditions enumerated in law. One such
13 condition is implied consent, an accepted mechanism in combating driving
14 while under the influence of alcohol. Studies have concluded that text-
15 ing while driving impairs a driver to the level of .08 blood alcohol
16 level. Therefore, it is in the state's interest to treat this impairment
17 with a similar methodology to that of drunk driving. The state's

18 invested interest in promoting public safety and preventing senseless
19 loss of life justifies the creation of Evan's law.

20 § 2. Short title. This act shall be known and may be cited as "Evan's
21 law".

22 § 3. Section 215 of the vehicle and traffic law is amended by adding
23 two new subdivisions (d) and (e) to read as follows:

24 (d) The commissioner shall, jointly with the commissioner of criminal
25 justice services, promulgate rules and regulations, and take any other
26 action necessary to implement the provisions of section twelve hundred
27 twenty-five-e of this chapter, relating to field testing of mobile tele-
28 phones and portable electronic devices. Such actions shall include the
29 testing and determination of the reliability and accuracy of electronic
30 scanning devices used for such field testing. The commissioner and
31 commissioner of criminal justice services shall approve electronic scan-
32 ning devices which are reliable and accurate for the purpose of conduct-
33 ing field testing.

34 (e) The commissioner shall conduct a public education campaign relat-
35 ing to the field testing of mobile telephones and portable electronic
36 devices, and the implied consent to such testing of any person operating
37 a motor vehicle in this state. Such campaign shall include information
38 pamphlets provided with each application for a learner's permit or driv-
39 er's license, and each renewal thereof.

40 § 4. Paragraph (h) of subdivision 2 of section 503 of the vehicle and
41 traffic law, as amended by section 1 of part PP of chapter 59 of the
42 laws of 2009, is amended to read as follows:

43 (h) An applicant whose driver's license has been revoked pursuant to
44 (i) section five hundred ten of this title, (ii) section eleven hundred
45 ninety-three of this chapter, [and] (iii) section eleven hundred nine-
46 ty-four of this chapter, and (iv) section twelve hundred twenty-five-e
47 of this chapter, shall, upon application for issuance of a driver's
48 license, pay to the commissioner a fee of one hundred dollars. When the
49 basis for the revocation is a finding of driving after having consumed
50 alcohol pursuant to the provisions of section eleven hundred
51 ninety-two-a of this chapter, the fee to be paid to the commissioner
52 shall be one hundred dollars. Such fee is not refundable and shall not
53 be returned to the applicant regardless of the action the commissioner
54 may take on such person's application for reinstatement of such driving
55 license. Such fee shall be in addition to any other fees presently
56 levied but shall not apply to an applicant whose driver's license was
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1 revoked for failure to pass a reexamination or to an applicant who has
2 been issued a conditional or restricted use license under the provisions
3 of article twenty-one-A or thirty-one of this chapter.

4 § 5. Subparagraph (iv) of paragraph (a) of subdivision 2 of section
5 511 of the vehicle and traffic law, as amended by chapter 607 of the
6 laws of 1993, is amended and a new paragraph (v) is added to read as
7 follows:

8 (iv) such person has in effect three or more suspensions, imposed on
9 at least three separate dates, for failure to answer, appear or pay a
10 fine, pursuant to subdivision three of section two hundred twenty-six or
11 subdivision four-a of section five hundred ten of this chapter[-]; or

12 (v) the suspension or revocation is based upon refusal to surrender a
13 mobile telephone or portable electronic device for field testing pursu-
14 ant to section twelve hundred twenty-five-e of this chapter.

15 § 6. The vehicle and traffic law is amended by adding a new section
16 1225-e to read as follows:

17 § 1225-e. Field testing of mobile telephones and portable electronic
18 devices. 1. For the purposes of this section, the following terms shall
19 have the following meanings:

20 (a) "Field testing" shall mean the use of an electronic scanning
21 device, approved and utilized in accordance with rules jointly promul-
22 gated by the commissioner and the commissioner of criminal justice
23 services, to determine whether or not the operator of a motor vehicle
24 was using a mobile telephone or a portable electronic device in
25 violation of section twelve hundred twenty-five-c or twelve hundred
26 twenty-five-d of this article. Provided, that such use of an electronic
27 scanning device shall be limited to determining whether the operator of
28 a motor vehicle was using a mobile telephone or portable electronic
29 device in violation of either such section at or near the time of the
30 accident or collision which provides the grounds for such testing.
31 Furthermore, no such electronic scan shall include the content or origin
32 of any communication or game conducted, or image or electronic data
33 viewed, on a mobile telephone or portable electronic device.

34 (b) "Mobile telephone" shall mean a mobile telephone as defined in
35 paragraph (a) of subdivision one for section twelve hundred
36 twenty-five-c of this article.

37 (c) "Portable electronic device" shall mean a portable electronic
38 device as defined in paragraph (a) of subdivision two of section twelve
39 hundred twenty-five-d of this article.

40 (d) "Using" shall mean:

41 (1) for the purposes of mobile telephones, using as defined in para-
42 graph (c) of subdivision one of section twelve hundred twenty-five-c of
43 this article; and

44 (2) for the purposes of portable electronic devices, using as defined
45 in paragraph (b) of subdivision two of section twelve hundred twenty-
46 five-d of this article.

47 2. Every person operating a motor vehicle which has been involved in
48 an accident or collision involving damage to real or personal property,
49 personal injury or death, and who has in his possession at or near the
50 time of such accident or collision, a mobile telephone or personal elec-
51 tronic device shall at the request of a police officer surrender his

41 motor vehicle, shall, at the request of a police officer, surrender, his
 52 or her mobile telephone and/or portable electronic device to the police
 53 officer solely for the purpose of field testing such mobile telephone
 54 and/or portable electronic device. If such field testing determines
 55 that the operator of the motor vehicle was using his or her mobile tele-
 56 phone or portable electronic device in violation of section twelve
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1 hundred twenty-five-c or twelve hundred twenty-five-d of this article,
 2 the results of such testing shall constitute evidence of any such
 3 violation.

4 3. (a) Any person who operates a motor vehicle in this state shall be
 5 deemed to have given consent to field testing of his or her mobile tele-
 6 phone and/or portable electronic device for the purpose of determining
 7 the use thereof while operating a motor vehicle provided that such test-
 8 ing is conducted by or at the direction of a police officer, after such
 9 person has operated a motor vehicle involved in an accident or collision
 10 involving damage to real or personal property, personal injury or death.

11 (b)(1) If a person operating a motor vehicle involved in an accident
 12 or collision involving damage to real or personal property, personal
 13 injury or death has in his or her possession a mobile telephone or port-
 14 able electronic device, having thereafter been requested to surrender
 15 such mobile telephone and/or portable electronic device for field test-
 16 ing, and having been informed that the person's license or permit to
 17 drive and any non-resident operating privilege shall be immediately
 18 suspended and subsequently revoked, shall be revoked for refusal to
 19 surrender his or her mobile telephone and/or portable electronic device
 20 solely for the purpose of field testing, whether or not the person is
 21 found guilty of a violation of section twelve hundred twenty-five-c or
 22 twelve hundred twenty-five-d of this article, refuses to surrender his
 23 or her mobile telephone or portable electronic device solely for the
 24 purpose of field testing, unless a court order has been granted pursuant
 25 to subdivision four of this section, field testing shall not be
 26 conducted and a written report of such refusal shall be immediately made
 27 by the police officer before whom such refusal was made. Such report may
 28 be verified by having the report sworn to, or by affixing to such report
 29 a form notice that false statements made therein are punishable as a
 30 class A misdemeanor pursuant to section 210.45 of the penal law and such
 31 form notice together with the subscription of the deponent shall consti-
 32 tute a verification of the report.

33 (2) The report of the police officer shall set forth the grounds to
 34 believe that the person operated a motor vehicle involved in an accident
 35 or collision involving damage to real or personal property, personal
 36 injury or death while in possession of a mobile telephone or portable
 37 electronic device, that said person had refused to surrender his or her
 38 mobile telephone or portable electronic device for field testing, and
 39 that no field test was administered. The report shall be transmitted to
 40 the commissioner by the police officer within forty-eight hours of the
 41 refusal.

42 (3) For persons charged with a violation of section twelve hundred
 43 twenty-five-c or twelve hundred twenty-five-d of this article, the
 44 license or permit to drive and any non-resident operating privilege
 45 shall, upon the basis of such written report, be temporarily suspended
 46 by the court without notice pending the determination of a hearing as
 47 provided in paragraph (c) of this subdivision. Copies of such report
 48 must be transmitted by the court to the commissioner and such transmitt-
 49 al may not be waived even with the consent of all the parties. Such
 50 report shall be forwarded to the commissioner within forty-eight hours
 51 of such filing of charges.

52 (4) The court or the commissioner shall provide such person with a
 53 scheduled hearing date, a waiver form and such other information as may
 54 be required by the commissioner. If a hearing, as provided in paragraph
 55 (c) of this subdivision, is waived by such person, the commissioner
 56 shall immediately revoke the license, permit or non-resident operating
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1 privilege, as of the date of receipt of such waiver in accordance with
 2 paragraph (d) of this subdivision.

3 (c) Any person whose license or permit to drive or any non-resident
 4 operating privilege has been suspended pursuant to paragraph (b) of this
 5 subdivision is entitled to a hearing in accordance with a hearing sched-
 6 ule to be promulgated by the commissioner. If the department fails to
 7 provide for such hearing fifteen days after the receipt of a report of a
 8 refusal, the license, permit to drive or non-resident operating privi-
 9 lege of such person shall be reinstated pending a hearing pursuant to
 10 this section. The hearing shall be limited to the following issues: (1)
 11 did such person operate a motor vehicle involved in an accident or
 12 collision involving damage to real or personal property, personal injury
 13 or death; (2) did such person possess a mobile telephone or portable
 14 electronic device at or near the time of such accident or collision; (3)
 15 was such person given sufficient warning, in clear or unequivocal
 16 language, prior to such refusal that such refusal to surrender his or
 17 her mobile telephone and/or portable electronic device for filed testing
 18 would result in the immediate suspension and subsequent revocation of
 19 such person's license or operating privilege; and (4) did such person
 20 refuse to surrender his or her mobile telephone and/or portable elec-
 21 tronic device solely for the purpose of field testing. If, after such
 22 hearing, the hearing officer, acting on behalf of the commissioner,
 23 finds on any one of such issues in the negative, the hearing officer
 24 shall immediately terminate any suspension arising from such refusal.
 25 If, after such hearing, the hearing officer, acting on behalf of the
 26 commissioner finds all of the issues in the affirmative, such officer

27 shall immediately revoke the license or permit to drive or any non-resi-
 28 dent operating privilege in accordance with paragraph (d) of this subdivi-
 29 sion. A person who has had a license or permit to drive or non-resi-
 30 dent operating privilege suspended or revoked pursuant to this
 31 subdivision may appeal the findings of the hearing officer in accordance
 32 with article three-A of this chapter. Any person may waive the right to
 33 a hearing under this section. Failure by such person to appear for the
 34 scheduled hearing shall constitute a waiver of such hearing; provided,
 35 however, that such person may petition the commissioner for a new hear-
 36 ing which shall be held as soon as practicable.

37 (d) (1) Any license which has been revoked pursuant to paragraph (c)
 38 of this subdivision shall not be restored for at least one year after
 39 such revocation, nor thereafter, except in the discretion of the commis-
 40 sioner. However, no such license shall be restored for at least eighteen
 41 months after such revocation, nor thereafter except in the discretion of
 42 the commissioner, in any case where the person has had a prior revoca-
 43 tion resulting from refusal to surrender his or her mobile telephone or
 44 portable electronic device for field testing within five years imme-
 45 diately preceding the date of such revocation.

46 (2) Except as otherwise provided, any person whose license, permit to
 47 drive or any non-resident operating privilege is revoked pursuant to the
 48 provisions of this section shall also be liable for a civil penalty in
 49 the amount of five hundred dollars, except that if such revocation is a
 50 second or subsequent revocation pursuant to this section issued within a
 51 five year period, the civil penalty shall be in the amount of seven
 52 hundred fifty dollars. No new driver's license or permit shall be
 53 issued, or non-resident operating privilege restored to such person
 54 unless such penalty has been paid. All penalties collected by the
 55 department pursuant to the provisions of this section shall be the prop-

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1 erty of the state and shall be paid into the general fund of the state
 2 treasury.

3 (e) The commissioner shall promulgate such rules and regulations as
 4 may be necessary to effectuate the provisions of this section.

5 (f) Evidence of a refusal to surrender a mobile telephone or portable
 6 electronic device for field testing shall be admissible in any trial,
 7 proceeding or hearing based on a violation of the provisions of section
 8 twelve hundred twenty-five-c or twelve hundred twenty-five-d of this
 9 article but only upon a showing that the person was given sufficient
 10 warning, in clear and unequivocal language, of the effect of such
 11 refusal and that the person persisted in the refusal.

12 (g) Upon the request of the person who surrendered his or her mobile
 13 telephone and/or portable electronic device for field testing the
 14 results of such testing shall be made available to such person.

15 4. (a) Notwithstanding the provisions of subdivision three of this
 16 section, no person who operates a motor vehicle in this state while
 17 possessing a mobile telephone or portable electronic device may refuse
 18 to surrender such mobile telephone or portable electronic device solely
 19 for the purpose of field testing when a court order for such testing has
 20 been issued in accordance with the provisions of this subdivision.

21 (b) Upon refusal by any person to surrender his or her mobile tele-
 22 phone and/or portable electronic device for the purpose of field test-
 23 ing, the testing shall not be conducted unless a police officer or a
 24 district attorney, as defined in subdivision thirty-two of section 1.20
 25 of the criminal procedure law, requests and obtains a court order to
 26 compel a person to surrender his or her mobile telephone or portable
 27 electronic device for field testing upon proof that such person was the
 28 operator of a motor vehicle and in the course of such operation, he or
 29 she caused serious physical injury, as defined in subdivision ten of
 30 section 10.00 of the penal law, to or the death of another person.

31 (c)(1) An application for a court order to compel surrender of a
 32 mobile telephone or portable electronic device for field testing, may be
 33 made to any supreme court justice, county court judge or district court
 34 judge in the judicial district in which the incident occurred, or if the
 35 incident occurred in the city of New York before any supreme court
 36 justice or judge of the criminal court of the city of New York. Such
 37 application may be communicated by telephone, radio or other means of
 38 electronic communication, or in person.

39 (2) The applicant must provide identification by name and title, and
 40 must state the purpose of the communication. Upon being advised that an
 41 application for a court order to compel surrender of a mobile telephone
 42 and/or portable electronic device solely for the purpose of field test-
 43 ing is being made, the court shall place under oath the applicant and
 44 any other person providing information in support of the application as
 45 provided in subparagraph three of this paragraph. After being sworn the
 46 applicant must state that the person from whom the surrender of a mobile
 47 telephone or portable electronic device was requested was the operator
 48 of a motor vehicle and in the course of such operation, he or she caused
 49 serious physical injury to or the death of another person, and such
 50 person refused to surrender his or her mobile telephone or portable
 51 electronic device for field testing. The applicant must make specific
 52 allegations of fact to support such statement. Any person properly iden-
 53 tified, may present sworn allegations of fact in support of the appli-
 54 cant's statement.

55 (3) Upon being advised that an oral application for a court order to
 56 compel a person to surrender his or her mobile telephone or portable

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1 electronic device for field testing is being made, a judge or justice
 2 shall place under oath the applicant and any other person providing
 3 information in support of the application. Such oath or oaths and all of

4 the remaining communication must be recorded, either by means of a voice
5 recording device or a stenographic record made, the judge must have the
6 record transcribed, certify to the accuracy of the transcription and
7 file the original record and transcription with the court within seven-
8 ty-two hours of the issuance of the court order. If the longhand notes
9 are taken, the judge shall subscribe a copy and file it with the court
10 within twenty-four hours of the issuance of the order.

11 (4) If the court is satisfied that the requirements for the issuance
12 of a court order pursuant to the provisions of paragraph (b) of this
13 subdivision have been met, it may grant the application and issue an
14 order requiring the person to surrender his or her mobile telephone or
15 portable electronic device for the purpose of field testing. When a
16 judge or justice determines to issue an order to compel surrender of a
17 mobile telephone or portable electronic device for the purpose of field
18 testing based on an oral application, the applicant therefor shall
19 prepare the order in accordance with the instructions of the judge or
20 justice. In all cases the order shall include the name of the issuing
21 judge or justice, the name of the applicant, and the date and time it
22 was issued. It must be signed by the judge or justice if issued in
23 person, or by the applicant if issued orally.

24 (5) Any false statement by an applicant or any other person in support
25 of an application for a court order shall subject such person to the
26 offenses for perjury set forth in article two hundred ten of the penal
27 law.

28 (6) The chief administrator of the courts shall establish a schedule
29 to provide that a sufficient number of judges or justices will be avail-
30 able in each judicial district to hear oral applications for court
31 orders as permitted by this section.

32 § 7. Section 837 of the executive law is amended by adding a new
33 subdivision 21 to read as follows:

34 21. Acting by and through the commissioner, to, jointly with the
35 commissioner of motor vehicles, promulgate rules and regulations, and
36 take any other action necessary to implement the provisions of section
37 twelve hundred twenty-five-e of the vehicle and traffic law, relating to
38 field testing of mobile telephones and portable electronic devices. Such
39 actions shall include the testing and determination of the reliability
40 and accuracy of electronic scanning devices used for such field testing.
41 The commissioner and commissioner of motor vehicles shall approve elec-
42 tronic scanning devices which are reliable and accurate for the purpose
43 of conducting field testing.

44 § 8. This act shall take effect immediately, except that sections
45 four, five and six of this act shall take effect two years after this
46 act shall have become a law.