

LOCAL LAW INTRO. NO. 2022

A LOCAL LAW amending Chapter 273 of the Laws of Westchester County to require local municipal police departments to report all incidents involving conduct, which is or appears to be motivated, all or in part, by a person's actual or perceived membership in a protected class.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. Chapter 273 of the Laws of Westchester County is hereby amended as follows:

Section 273.01. Powers and duties of department.

1. The Department of Public Safety shall consist of the following divisions: Division of Westchester County Police and the Division of Services. The Division of Westchester County Police and the Division of Services shall each be headed by a Deputy Commissioner to be appointed by the Commissioner/Sheriff, subject to the approval of the County Executive, to serve at the Commissioner/Sheriff's pleasure.
2. There shall also be within the department a Police Board and a Public Safety Emergency Force, as hereinafter described. The Commissioner/Sheriff may establish other units within the Department of Public Safety as he may deem necessary for the efficient operation of the department.
3. Every local municipal police department located in the County of Westchester shall notify the Commissioner of the Westchester County Department of Public Safety, in the manner prescribed by said Commissioner, of any alleged bias-related crimes against a person or property committed pursuant to Section 240.21, subsection (3) of Section 240.30, [and] Section 240.31, and Section 485.05 of the New York State Penal Law

and shall report any incident, offense, or unlawful act, which after investigation by law enforcement, is or appears to be motivated all or in part by the actual or perceived race, color, religion, age, national origin, alienage or citizenship status, ethnicity, familial status, creed, gender, sexual orientation, marital status, [or] disability of the victim, a person's status as a victim of domestic violence, sexual abuse or stalking, or an institutional target whose membership or association identifies with one or more of the aforementioned protected classes.[race, religion, ethnicity/national origin, sexual orientation, age, gender or disability of the victim or institutional target.] For purposes of this section:

(a) Incident is defined as hate motivated conduct that may not violate the New York State Penal Law; and,

(b) Familial status shall mean one or more individuals, under the age of eighteen years, being domiciled with (i) a parent or legal custodian of such individual or individuals, or (ii) the designee of such parent or other person having such custody, with the written permission of such parent or other person. The definition of familial status shall include any person who is pregnant or has a child or children or is in the process of securing legal custody or has legal custody of any individual under the age of eighteen years.

4. The Commissioner of the Westchester County Department of Public Safety shall send a notice to each local police department in Westchester County by December 31st of each year reminding said police departments of their reporting obligation under this Chapter.

5. The Commissioner of the Westchester County Department of Public Safety shall notify the Executive Director of the Westchester County Human Rights Commission of any incident, offense, or unlawful act, which after investigation by law enforcement, is or appears to be motivated all or in part by the actual or perceived race, color, religion, age, national origin, alienage or citizenship status, ethnicity, familial status, creed, gender, sexual orientation, marital status, or disability of the victim, because of such person's status as a victim of domestic violence, sexual abuse or stalking, or an institutional target whose membership or association identifies with one or more of the aforementioned protected classes.[race, religion, ethnicity/national origin, sexual orientation, age, gender or disability of the victim or institutional target, but may not violate the New York State Penal Law.]

Section 2. This Local Law shall take effect sixty (60) days after enactment.