

LOCAL GOVERNMENT COMMITTEE

TUESDAY, DECEMBER 5, 2023

LOCAL LAWS:		
LG/J/R	LL	A LOCAL LAW OF THE COUNTY OF RENSSELAER ESTABLISHING THE RENSSELAER COUNTY DRUG DEALER REGISTRY Motion Made By: Seconded By: Moved: Notes:
LG/B/R	LL	A LOCAL LAW AMENDING LOCAL LAW NO. 5 OF THE YEAR 1997, AS AMENDED BY LOCAL LAW NO. 1 OF THE YEAR 2003, LOCAL LAW NO. 2 OF 2004 AND LOCAL LAW NO. 3 OF THE YEAR 2007 Motion Made By: Seconded By: Moved: Notes:
LG/B/R	LL	A LOCAL LAW AMENDING LOCAL NO. 1 OF THE YEAR 1991 AS AMENDED BY LOCAL LAW NO. 4 OF THE YEAR 1998 AND AMENDING LOCAL LAW NO. 3 OF 1991 Motion Made By: Seconded By: Moved: Notes:

Local Law Filing

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Rensselaer, New York 12231-0001
www.dos.state.ny.us/corps

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County of Rensselaer

Local Law No. _____ of the year 2023

A local law Amending Local Law No. 5 of the Year 1997, as Amended by Local Law No. 1 of the Year 2003, Local Law No.2 of the Year 2004, and Local Law No. 3 of the Year 2007

By: Bayly, Hoffman

Be it enacted by the County Legislature of the
(Name of Legislative Body)

County of Rensselaer as follows:

Section 1. The purpose and intent of this local law is to make Section 459-c of the Real Property Tax Law of the State of New York, as in effect on the date this local law takes effect, and as such section may be subsequently amended, applicable to the County of Rensselaer.

Section 2. There shall be an exemption from taxation for general county purposes for certain individuals with disabilities in accordance with Section 459-c of the Real Property Tax and this local law.

Section 3. The income level for receipt of a partial exemption from real property taxation for the purposes of taxes levied by the County of Rensselaer, pursuant to Section 459-c of the Real Property Tax Law, is as follows:

<u>Annual Income</u>	<u>Percentage of Assessed Valuation Exempt From Taxation</u>
\$40,000 or less	50%

Section 4. No exemption shall be granted if the income of the owner or the combined income of the owners of the property for the applicable income tax year exceeds \$40,000.

Section 5. Distributions received from an individual retirement account or individual retirement annuity that were included in the applicant's federal adjusted gross income shall not be considered income. Any social security benefits that were not included in the applicant's federal adjusted gross income shall be considered income. The applicant's income shall not be offset by any medical and prescription drug expenses actually paid that were not reimbursed or paid for by insurance.

Section 6. All other provisions of Section 459-c of the Real Property Tax Law, to the extent not inconsistent with this local law, shall be in effect for the purpose of County real property taxation in the County of Rensselaer.

Section 7. This local law shall take effect upon the filing with the Office of the Secretary of State of the State of New York and shall apply to assessment rolls based upon a taxable status date occurring on or after January 1, 2024.

Section 8. In the event of a conflict or inconsistency between this local law and any previous local law of the County of Rensselaer, the terms of this local law shall govern and the conflicting or inconsistent terms of the previous local law(s) are hereby amended to be null and void.

Local Law ADOPTED by the following vote:

Ayes:

Nays:

Abstain:

December 12, 2023

Approved by the County Executive:

Dated: _____, 2023

Steven F. McLaughlin
County Executive

Local Law Filing

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County of Rensselaer

Local Law No. _____ of the year 2023

A local law Amending Local Law No. 1 of the Year 1991, as Amended by Local Law No. 4 of the Year 1998, and amending Local Law No. 3 of the Year 1991

By: Bayly, Hoffman

Be it enacted by the County Legislature of the
(Name of Legislative Body)

County of Rensselaer as follows:

Section 1. The purpose and intent of this local law is to make Section 467 of the Real Property Tax Law of the State of New York, as in effect on the date this local law takes effect, and as such section may be subsequently amended, applicable to the County of Rensselaer.

Section 2. There shall be an exemption from taxation for general county purposes for certain individuals 65 years of age or over in accordance with Section 467 of the Real Property Tax and this local law.

Section 3. The income level for receipt of a partial exemption from real property taxation for the purposes of taxes levied by the County of Rensselaer, pursuant to Section 467 of the Real Property Tax Law, is as follows:

<u>Annual Income</u>	<u>Percentage of Assessed Valuation Exempt From Taxation</u>
\$40,000 or less	50%

Section 4. No exemption shall be granted if the income of the owner or the combined income of the owners of the property for the applicable income tax year exceeds \$40,000.

Section 5. Distributions received from an individual retirement account or individual retirement annuity that were included in the applicant's federal adjusted gross income shall not be considered income. Any social security benefits that were not included in the applicant's federal adjusted gross income shall be considered income. The applicant's income shall not be offset by any medical and prescription drug expenses actually paid that were not reimbursed or paid for by insurance.

Section 6. All other provisions of Section 467 of the Real Property Tax Law, to the extent not inconsistent with this local law, shall be in effect for the purpose of County real property taxation in the County of Rensselaer.

Section 7. This local law shall take effect upon the filing with the Office of the Secretary of State of the State of New York and shall apply to assessment rolls based upon a taxable status date occurring on or after January 1, 2024.

Section 8. In the event of a conflict or inconsistency between this local law and any previous local law of the County of Rensselaer, the terms of this local law shall govern and the conflicting or inconsistent terms of the previous local law(s) are hereby amended to be null and void.

Local Law ADOPTED by the following vote:

Ayes:

Nays:

Abstain:

December 12, 2023

Approved by the County Executive:

Dated: _____, 2023

Steven F. McLaughlin
County Executive

Local Law Filing

New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
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Albany, New York 12231-0001
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County of Rensselaer

Local Law No. _____ of the year 2023

A local law of the County of Rensselaer Establishing the Rensselaer County Drug Dealer Registry

By: Patire, Hoffman, Loveridge, Gendron, Choquette, Bayly, Grant, Fiacco, Casale, Herrington, Maloney, Wysocki, Stall

Be it enacted by the County Legislature of the
(Name of Legislative Body)

County of Rensselaer as follows:

Section 1. Title

This Local Law shall be known as the Rensselaer County Drug Dealer Registration Act

Section 2. Legislative Findings and Purpose

The Legislature finds and determines:

First, that drug dealing is a serious problem, resulting in the abuse of illegal drugs by thousands of Rensselaer County Residents each year; and

Second, that, while the State of New York has criminalized the sale of illegal drugs, illegal drug sales continues to occur in Rensselaer County and throughout New York State; and

Third, that people who have abused drugs in the past are likely to do so in the future, and studies show that there is a near-100% recidivism rate for certain types of illegal drug use; and

Fourth, that individuals who sell illegal drugs are statistically more likely to commit violent acts against others and, in particular, the Legislature also determines that a strong correlation has been established linking individuals who sell illegal drugs with incidents of domestic violence and abuse of children; and

Fifth, that innocent residents of Rensselaer County, especially our children, need to be protected from convicted drug dealers; and

Sixth, that it is in the best interest of the residents of Rensselaer County that an online registry be established identifying individuals convicted of illegal drug sales, as hereafter defined, in Rensselaer County in the hope that such registry will help to prevent these individuals from further illegal drug sales in Rensselaer County.

THEREFORE: The Purpose of enacting this local law is to establish an online registry for individuals who are convicted of illegal drug sales, as hereinafter defined, in Rensselaer County.

Section 3. Definitions

As used in this Local Law, the following terms shall have the meanings indicated:

A. “Illegal Drug Sale Crimes” shall mean the commission of crimes as follows: Penal Law Section 220.28 Use Of A Child To Commit A Controlled Substance Offense - E Felony

220.31 Criminal Sale Controlled Substance 5th degree - D Felony

220.34 Criminal Sale Controlled Substance 4th - C Felony

220.39 Criminal Sale Controlled Substance 3rd - B Felony

220.41 Criminal Sale Controlled Substance 2nd - A-II Felony

220.43. Criminal Sale Controlled Substance 1st - A-I Felony

220.44 Criminal Sale Controlled Substance In Or Near School Grounds - B Felony

220.48 Criminal Sale Controlled Substance To A Child - B Felony

220.65 Criminal Sale Of A Prescription For A Controlled Substance Or Of A Controlled Substance By A Practitioner Or Pharmacist - C Felony

220.73 Unlawful Manufacture Of Methamphetamine In The Third Degree - D Felony

220.74 Unlawful Manufacture Of Methamphetamine In The Second Degree - C Felony

220.75 Unlawful Manufacture Of Methamphetamine In The First Degree - B Felony

220.77 Operating As A Major Trafficker - A-I Felony

B. “Drug Dealer” shall mean any person convicted of any of the above listed crimes.

C. “Drug Dealer Registry” shall mean the on-line registry established by this Local Law for registering any person convicted in Rensselaer County of any of the above listed crimes.

D. “Conviction” shall mean an adjudication of guilty by any court of competent jurisdiction, whether upon verdict after trial, plea of guilty, or *nolo contendere/Alford* plea.

Section 4. Establishment of a Drug Dealer Registry

A registry is hereby created which shall contain the names and residence information of individuals who are convicted of Drug Sale Crimes, as listed above. The Rensselaer County District Attorney is hereby authorized and empowered to establish and maintain a publicly accessible registry for such individuals. All fees collected by Rensselaer County District Attorney associated with the registration shall be used for the maintenance and administration of the registry

Section 5. Registration Requirements

A. All persons either at sixteen (16) years of age or older who has been convicted of Drug Sale Crimes as listed above on or after the effective date of this Local Law must register with the Rensselaer County Drug Dealer Registry within ten (10) days of their release from incarceration or, if not incarcerated, from the date of judgment of conviction.

B. Each person required to register with the Drug Dealer Registry shall submit:

- i. Their name and any aliases that they may be known by;
- ii. Their residence address;

- C. Every person required to register with the Drug Dealer Registry shall update their registry information annually and within ten (10) days of any change of address.
- D. Every person required to register pursuant to this Local Law shall remain on the Drug Dealer Registry for ten (10) years following their release from incarceration or the date the judgment of conviction was rendered, whichever is later. Any currently or previously registered Drug Dealer Offender convicted of a subsequent Drug Sale Crime shall be placed on the registry for life following the second conviction.
- E. Upon notification to the Rensselaer County District Attorney's Office, or their authorized agent, of a successful appeal of a conviction of a Drug Sale Crime by an individual that has been required to register pursuant to this Local Law, the registration information for that individual shall be removed from the Drug Dealer Registry within (5) days following the notification.
- F. Every person required to register with the Drug Dealer Registry shall pay an annual fee of fifty (\$50.00) Dollars to the Rensselaer County District Attorney's Office. All such fees shall be used to pay the administrative and maintenance costs of maintaining the registry.
- G. The Rensselaer County District Attorney's Office is hereby authorized and empowered to promulgate such rules and regulations as may be necessary to implement the Drug Dealer Registry.

Section 6. Sharing of Registration Information

- A. The Rensselaer County District Attorney, or their authorized agent, shall make the Drug Dealer Registry available to the Rensselaer County Child Protective Service and the Department of Social Services, and is authorized to make the Drug Dealer Registry available to any state, regional, or national government-operated registry of convicted Drug Dealers for the purpose of sharing information.
- B. The Rensselaer County District Attorney, or their authorized agent, may accept files from any state, regional, or national registry of convicted Drug Dealers.
- C. The Rensselaer County District Attorney, or their authorized agent, is authorized to make the registry information available within a reasonable amount of time to any other drug dealer registry.

Section 7. Fees and Penalties

- A. Any Drug Dealer Offender required to register with the Drug Dealer Registry who fails to so register shall be guilty of a misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed One Thousand Dollars (\$1,000.00) for each day that the Drug Dealer Offender fails to register. For purposes of this Local Law, each day that the Drug Dealer Offender fails to register after the date set for registering shall be deemed a separate offense.

Section 9. Severability

If any clause, sentence, paragraph, section, subdivision or other part of this Local Law or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or

unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this Local Law which shall remain in full force and effect except as limited by such order or judgment.

Section 10. Effective Date and Applicability

This Local Law shall be effective ninety (90) days subsequent to its filing in the office of the Secretary of State and shall apply to all transactions occurring on or after the effective date of this local law.

Local Law ADOPTED by the following vote:

Ayes:

Nays:

Abstain:

December 12, 2023

Approved by the County Executive:

Dated: _____, 2023

Steven F. McLaughlin
County Executive