

**COMMITTEE ON LEGISLATION JOINT WITH
COMMITTEE ON PUBLIC SAFETY
MINUTES: July 28, 2008**

LEGISLATION

MEMBERS: Chair: Burton; Legislators: Bronz, Abinanti, Jenkins, Nonna, Harckham, Oros, Maisano

PUBLIC SAFETY

MEMBERS: Chair: Pinto; Legislators: Burton, Nonna, Jenkins, Harckham, Oros, Maisano, Burrows

IN ATTENDANCE: **CE:** B. Randolph, A. Neuman; **CA:** M. Nicolas-Brewster, L. Cipollo; **DPS:** M. McGwynn T. Belfiore; **BOL:** S. Bass, M. Montalto, D. Pyne, L. Goldstein, R. Pezzullo, K. Delgado, C. Giliberti, M. Melbourne, T. O'Connell; **PRESS:** G. McKinstry (J. News)

With a quorum present, the Committee on Legislation and the Committee on Public Safety was called to order at 1:42 p.m.

DWI VEHICLE FORFEITURE LAW

Legislator Harckham stated his reasons for introducing the idea of creating DWI forfeiture legislation. The statistics show more is needed to be done to help prevent drunk driving accidents. New York City, Nassau and Suffolk Counties have adopted similar laws which have been upheld in court. There are provisions to protect innocent owners and in cases of those who have financial hardships.

Legislator Abinanti expressed his concern about creating a casual connection and the steps we are taking to do it. He has yet to be convinced that there are ways to prevent drinking and driving. Mr. Abinanti suggested committee members need to hear from specialists to talk about deterrence, law enforcement to make sure this is will be helpful and from municipalities who have such laws to see if it's effective.

Committee members discussed the options of creating a DWI forfeiture law. Some members expressed support for Legislator Harckham's proposal. There is interest to continue doing research so we don't create more issues and can address the problem effectively.

Assistant County Attorneys Linda Trentacoste and Justin Adin discussed the legal memo which was distributed to legislators. The New York City law says, forfeiture shall be for all property used in the aid for furthering a crime. After reviewing the Nassau County law the courts required a "balancing test". There needs to be sufficient safeguards for innocent owners and the law can not contain excessive fines. The Suffolk county law also focuses on people who drive with suspended or revoked licenses. Westchester County does have a driving while intoxicated vehicle impoundment law which permits the county to hold on to a vehicle for approximately twelve hours.

Chairman Burton suggested members read the memo from the County Attorney prior to the next meeting on this issue. At the suggestion of committee members, Mr. Burton asked the County Attorney's office to prepare a spreadsheet comparing similar type laws from various municipalities. After it is reviewed the committee will decide how legislation should be drafted.

Chairman Burton agreed to ask to invite people to talk about how the county and state laws are working. That will include a representative of the District Attorney's office and the Westchester Chiefs of Police to discuss the effectiveness of current laws.

Chairman Burton asked for staff to work towards having a follow up meeting on this issue on August 18th.

(Jenkins, Nonna) Move to adjourn The Committee on Public Safety and Security. Motion approved 6-0. The Committee adjourned at 3:45 p.m.

MINUTES

(Bronz, Jenkins) move to approve the minutes of April 7, 2008 and July 14, 2008. Motion approved 7-0.

BOARDS AND COMMISSIONS

B16 (Abinanti, Jenkins) move to receive and file item B16. Motion approved 7-0.

(Bronz, Jenkins) move to approve appointments A2, B15, B17, B19, B33, B36, B62, B81, B83, B85-B88, B92-B94, B96. Motion approved 7-0.

Chairman Burton announced that next week the committee will discuss real property tax exemptions for Volunteer Fire Fighters.

(Abinanti, Rogowsky) move to adjourn the Committee on Legislation. Motion approved 7-0. Committee on Legislation adjourned at 2:54 P.M.

AUDIO RECORDING ON FILE FOR REVIEW UPON REQUEST