

**COMMITTEE ON LEGISLATION JOINT WITH
COMMITTEE ON PUBLIC SAFETY AND SECURITY
MINUTES: January 26, 2009**

LEGISLATION

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

PUBLIC SAFETY AND SECURITY

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

IN ATTENDANCE: **CE:** A. Neuman, B. Randolph; **CA:** S. Dolgin Kmetz, M. Gleeson; **DPS:** D. Long, J. Weiss; **BOL:** S. Bass, S. Vanderberg, M. Montalto, C. Giliberti, R. Pezzullo, K. Delgado; **PRESS:** G. McKinstry (J. News)

With a quorum present, the Committee on Legislation and Committee on Public Safety and Security was called to order at 1:45 p.m.

DWI FOREITURE LEGISLATION

Mr. Harckham led the discussion on what issues were previously discussed about creating a DWI Forfeiture law. He hopes to establish this as a Pilot Program where forfeiture will take place after conviction. There were a number of things which he thinks needs to be included in the legislation including the innocent owner defense, and hardship cases.

The Committee discussed potential financial impacts to the Department of Public Safety and the County Attorney's office. The County Attorney stated they will need a County Attorney, a Paralegal, a Secretary, equipment and mailing. They believe it will cost \$253,000 based on 500 arrests. The Public Safety Department said their costs would be approximately \$544,000 dollars or \$1,000 per vehicle for storing vehicles and other expenses of enforcement.

There were questions about what would happen if the arrest was made by local police about how the County Attorney's office would become involved after conviction.

Mr. Rogowsky requested that in the draft legislation we make sure the ability to plea down out of the jurisdiction of the law is prevented.

Mr. Harckham asked DPS to find out how many DWI arrests are made by State Police.

Mr. Pinto requested to include language that any DWI arrest made by County Police so the Town of Cortland is included.

Mr. Harckham asked that language to require an annual report so The Board of Legislators can evaluate that the law is effective.

Mr. Nonna requested statistics from the District Attorney's office of their forfeiture program to determine there success.

The committee came to consensus that the County Attorney's office should work with staff and Legislator Harckham to have a measure drafted. Chairman Burton would like to meet on this issue in one month.

(Abinanti, Nonna) Move to adjourn. Motion approved 8-0. Committee on Legislation adjourned at 2:53 P.M.

(Myers, Maisano) move to adjourn the Committee on Public Safety and Security. Motion approved 6-0. The Committee on Public Safety and Security adjourned at 2:53 P.M.

AUDIO RECORDING ON FILE FOR REVIEW UPON REQUEST