

Intro. Res. No. 1782-2010
Introduced by Legislator Browning

Laid on Table 8/3/2010

**RESOLUTION NO. -2010, ADOPTING LOCAL LAW NO.
-2010, A LOCAL LAW TO REGISTER PREPAID
CELL PHONES PURCHASED IN SUFFOLK COUNTY**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2010, a proposed local law entitled, "**A LOCAL LAW TO REGISTER PREPAID CELL PHONES PURCHASED IN SUFFOLK COUNTY**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. -2010, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO REGISTER PREPAID CELL PHONES
PURCHASED IN SUFFOLK COUNTY**

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that crime and terrorism are constant threats to the nation and Suffolk County.

This Legislature also finds and determines that prepaid cellular phones are a convenient way for people to obtain a mobile phone with a set number of minutes at a low cost with no contracts.

This Legislature further finds and determines that these features make prepaid cellular phones attractive to terrorists and criminals.

This Legislature finds that no personal information or identification is required to purchase a prepaid cellular phone.

This Legislature determines that without the collection of identifying information from the purchaser, there is no way to trace a prepaid cellular phone to any individual.

This Legislature also finds that requiring the collection of identifying information by a retailer at the time a prepaid cellular phone is sold will provide law enforcement with essential information to combat crime and terrorism.

Therefore, the purpose of this law is to require all retailers of prepaid cellular phones in Suffolk County to collect and retain identifying information from the customer each time a prepaid cellular phone is sold.

Section 2. Definitions.

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

“LAW ENFORCEMENT OFFICER” shall mean The Commissioner of the Suffolk County Police Department, his or her designee, the Chief of any Town or Village Police Department within the County of Suffolk, his or her designee, or any officer of such police department.

“PERSON” shall mean any natural person, individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint stock association, or other entity or business of any kind.

“PREPAID CELLULAR PHONE” shall mean any cellular phone that is purchased with a finite number of minutes and does not require a long term contract with any cellular phone service provider.

“PREPAID CELLULAR PHONE RETAILER” shall mean any retail store, company or corporation which sells prepaid cellular phones.

“SERVICE SUPPLIER” shall mean the company providing wireless telephone services to a prepaid cellular phone.

Section 3. Requirements.

- A. A prepaid cellular phone retailer must obtain two forms of identification from any person requesting to purchase a prepaid cellular phone. One form of identification must be a government issued photographic identification containing the person’s name and their home address. The second form of identification must contain the person’s name and home address.
- B. A prepaid cellular phone retailer shall create a record of each sale made. The following information must be contained in each record:
 - (1) The date of sale;
 - (2) A photocopy of the forms of identification provided by the person;
 - (3) The make, model and serial number of the prepaid cellular phone;
 - (4) The phone number assigned to the prepaid cellular phone; and
 - (5) The service supplier of the prepaid cellular phone purchased.
- C. All records shall be stored in receipt number order in good and legible condition in a secure volume subdivided by year and month for no less than three years from the date of sale.

Section 4. Inspection of Records.

- A. All records described herein shall be open for inspection by a law enforcement officer at any time.
- B. A law enforcement officer may request, and a prepaid cellular phone retailer shall satisfy such request within 72 hours of receiving such request, information as to copies of all purchase receipts and/or a comparable document detailing all purchases made by one specific person for a time frame of no more than 90 days.

- C. Should a law enforcement officer request information for all purchases made by one specific person for a time frame greater than 90 days, then the purchaser shall have an additional 72 hours to comply with the request.

Section 5. Penalties.

Violation of any section of this law shall constitute an unclassified misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000.00) and/or up to one (1) year in jail. Each sale in violation of this law shall constitute a separate and distinct violation.

Section 6. Applicability.

This law shall apply to all sales of prepaid cellular phones occurring on or after the effective date of this law.

Section 7. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 8. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 9. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date: