

3804--A

2011-2012 Regular Sessions

I N S E N A T E

March 4, 2011

Introduced by Sens. BALL, ADDABBO, GOLDEN, OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to establishing a registry for persons convicted of violating "Buster's Law"

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The agriculture and markets law is amended by adding a new
2 section 352 to read as follows:
3 S 352. ANIMAL CRUELTY REGISTER. 1. ANY PERSON WHO IS CONVICTED OF A
4 VIOLATION OF SECTION THREE HUNDRED FIFTY-ONE OR THREE HUNDRED
5 FIFTY-THREE-A OF THIS ARTICLE SHALL REGISTER WITH THE DIVISION OF CRIMI-
6 NAL JUSTICE SERVICES. SUCH REGISTRATION SHALL BE MADE IN A MANNER AND
7 FORM TO BE DETERMINED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES, AND
8 SHALL INCLUDE, AT A MINIMUM, THE NAME AND ADDRESS OF SUCH REGISTRANT.
9 THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL MAINTAIN REGISTRATION
10 INFORMATION RECEIVED PURSUANT TO THIS SECTION IN A REGISTRY. SUCH REGIS-
11 TRY SHALL BE IN PRINT AND IN ELECTRONIC FORM AND SHALL BE AVAILABLE TO
12 ALL LAW ENFORCEMENT ENTITIES, DISTRICT ATTORNEYS, DULY INCORPORATED
13 HUMANE SOCIETIES, SOCIETIES FOR THE PREVENTION OF CRUELTY TO ANIMALS,
14 DOG OR CAT PROTECTIVE ASSOCIATIONS, ANIMAL CONTROL OFFICERS, BREEDERS OF
15 ANIMALS AND PET STORES DOING BUSINESS IN THIS STATE. ANY PERSON
16 REQUIRED TO REGISTER PURSUANT TO THIS SECTION SHALL REGISTER ANNUALLY,
17 OR EACH TIME SUCH PERSON MOVES TO A NEW ADDRESS AND SHALL CONTINUE TO
18 REGISTER UNTIL SUCH PERSON RECEIVES A COURT ORDER ORDERING SUCH REGIS-
19 TRATION TO CEASE. NO SUCH ORDER SHALL BE ISSUED UNTIL SUCH PERSON FIRST
20 DEMONSTRATES TO THE COURT THAT HE OR SHE HAS UNDERGONE PSYCHIATRIC OR
21 PSYCHOLOGICAL TESTING, THE RESULTS OF WHICH INDICATE BY CLEAR AND
22 CONVINCING EVIDENCE HIS OR HER CAPABLE AND SOUND MENTAL CAPACITY AND

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 ABILITY TO OWN AND PROPERLY CARE FOR AN ANIMAL IN A HUMANE MANNER. ANY
2 PERSON REQUIRED TO REGISTER PURSUANT TO THIS SECTION SHALL NOT OWN A
3 COMPANION ANIMAL OR HAVE EMPLOYMENT AT AN ANIMAL SHELTER, POUND, PET
4 STORE, ZOO OR OTHER BUSINESS ESTABLISHMENT WHERE COMPANION ANIMALS ARE
5 PRESENT. ANY PERSON WHO IS CONVICTED OF A VIOLATION OF SECTION THREE
6 HUNDRED FIFTY-ONE OR THREE HUNDRED FIFTY-THREE-A OF THIS ARTICLE SHALL,
7 IN ADDITION TO ANY OTHER PENALTY OR TERM OF IMPRISONMENT AUTHORIZED BY
8 LAW, BE SUBJECT TO A MANDATORY ANNUAL SURCHARGE OF FIFTY DOLLARS WHICH
9 SHALL BE USED TO PAY FOR COSTS AND EXPENSES ASSOCIATED WITH ESTABLISHING
10 AND MAINTAINING THE REGISTRY REQUIRED BY THIS SECTION.

11 2. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL MUNICIPALITIES,
12 INCLUDING CITIES HAVING A POPULATION OF ONE MILLION OR MORE, AND SHALL
13 SUPERSEDE ANY LOCAL LAW, RULE, REGULATION, CODE OR ORDINANCE REGULATING
14 THE ESTABLISHMENT, IMPLEMENTATION AND ENFORCEMENT OF AN ANIMAL CRUELTY
15 OR ABUSER REGISTRY.

16 S 2. This act shall take effect on the thirtieth day after it shall
17 have become a law.