S T A T E O F N E W Y O R K

4516

2013-2014 Regular Sessions

I N A S S E M B L Y

February 5, 2013

Introduced by M. of A. TEDISCO, KATZ, CORWIN, BUTLER, McDONOUGH, GIGLIO, TENNEY, McLAUGHLIN, STEVENSON, MILLER, COLTON, RAIA, JOHNS -- Multi-Sponsored by -- M. of A. ARROYO, BROOK-KRASNY, CERETTO, FINCH, KOLB, MAGEE, RABBITT, THIELE, WEISENBERG -- read once and referred to the Committee on Agriculture

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:

Section 1. The agriculture and markets law is amended by adding a new section 352 to read as follows:

S 352. ANIMAL CRUELTY REGISTER. 1. ANY PERSON WHO IS CONVICTED OF A VIOLATION OF SECTION THREE HUNDRED FIFTY-ONE OR THREE HUNDRED FIFTY-THREE-A OF THIS ARTICLE SHALL REGISTER WITH THE DIVISION OF CRIMINAL JUSTICE SERVICES. SUCH REGISTRATION SHALL BE MADE IN A MANNER AND FORM TO BE DETERMINED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES, AND SHALL INCLUDE, AT A MINIMUM, THE NAME AND ADDRESS OF SUCH REGISTRANT. THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL MAINTAIN REGISTRATION INFORMATION RECEIVED PURSUANT TO THIS SECTION IN A REGISTRY. SUCH REGISTRY SHALL BE IN PRINT AND IN ELECTRONIC FORM AND SHALL BE AVAILABLE TO ALL LAW ENFORCEMENT ENTITIES, DISTRICT ATTORNEYS, DULY INCORPORATED HUMANE SOCIETIES, SOCIETIES FOR THE PREVENTION OF CRUELTY TO ANIMALS, DOG OR CAT PROTECTIVE ASSOCIATIONS, ANIMAL CONTROL OFFICERS, BREEDERS OF ANIMALS AND PET STORES DOING BUSINESS IN THIS STATE. ANY PERSON REQUIRED TO REGISTER PURSUANT TO THIS SECTION SHALL REGISTER ANNUALLY, OR EACH TIME SUCH PERSON MOVES TO A NEW ADDRESS AND SHALL CONTINUE TO REGISTER UNTIL SUCH PERSON RECEIVES A COURT ORDER ORDERING SUCH REGISTRATION TO CEASE. NO SUCH ORDER SHALL BE ISSUED UNTIL SUCH PERSON FIRST DEMONSTRATES TO THE COURT THAT HE OR SHE HAS UNDERGONE PSYCHIATRIC OR PSYCHOLOGICAL TESTING, THE RESULTS OF WHICH INDICATE BY CLEAR AND 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.

LBD05780-01-3

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

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

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