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

10387

I N A S S E M B L Y

March 23, 2010

Introduced by M. of A. MILLMAN -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to creating the animal abuser central registry and county registries, and to requiring that certain convicted animal abusers register with such registries

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 380 to read as follows:

S 380. ANIMAL ABUSER REGISTRY. 1. (A) THE COMMISSIONER SHALL ESTABLISH AND MAINTAIN A CENTRAL REGISTRY OF INDIVIDUALS CONVICTED OF ANIMAL ABUSE AND REQUIRED TO REGISTER PURSUANT TO THE PROVISIONS OF THIS SECTION.

(B) THE SHERIFF OF EACH COUNTY IN THE STATE SHALL ESTABLISH AND MAINTAIN A COUNTY REGISTRY OF INDIVIDUALS CONVICTED OF ANIMAL ABUSE AND REQUIRED TO REGISTER PURSUANT TO THE PROVISIONS OF THIS SECTION.

2. ANY PERSON OVER EIGHTEEN YEARS OF AGE WHO HAS BEEN CONVICTED OF ONE OR MORE OF THE FOLLOWING OFFENSES SHALL REGISTER WITH THE ANIMAL ABUSE REGISTRY IN THE COUNTY IN WHICH HE OR SHE RESIDES:

(A) A FELONY VIOLATION OF ANY PROVISION OF THIS ARTICLE;

(B) A VIOLATION OF THE PROVISIONS OF SECTION 195.06, 195.11 OR 195.12 OF THE PENAL LAW;

(C) A VIOLATION OF ANY PROVISION OF ARTICLE TWO HUNDRED FORTY-TWO OF THE PENAL LAW; OR

(D) A VIOLATION OF COMPARABLE STATUTES OF ANOTHER STATE.

3. UPON CONVICTION OF ANY OFFENSE SET FORTH IN PARAGRAPH (A), (B) OR (C) OF SUBDIVISION TWO OF THIS SECTION, THE COURT SHALL CERTIFY THAT THE CONVICTED PERSON IS AN ANIMAL ABUSER AND SHALL INCLUDE THE CERTIFICATION IN THE JUDGMENT OF CONVICTION AND THE ORDER OF COMMITMENT, IF ANY. THE COURT SHALL PROVIDE A COPY OF THE JUDGMENT OF CONVICTION TO THE CENTRAL REGISTRY AND THE COUNTY REGISTRY FOR THE COUNTY IN WHICH THE CONVICTED PERSON RESIDES WITHIN FIVE DAYS OF THE ENTRY OF THE JUDGMENT OF CONVICTION. THE COURT SHALL ALSO ADVISE THE ANIMAL ABUSER OF HIS OR HER DUTIES UNDER THIS ARTICLE. FAILURE TO INCLUDE THE CERTIFICATION IN THE

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

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JUDGMENT OF CONVICTION OR THE ORDER OF COMMITMENT SHALL NOT RELIVE AN ANIMAL ABUSER OF THE OBLIGATIONS IMPOSED BY THIS SECTION.

4. (A) A PERSON CONVICTED OF ANY OFFENSE SET FORTH IN PARAGRAPH (A), (B) OR (C) OF SUBDIVISION TWO OF THIS SECTION SHALL, WITHIN TEN DAYS OF THE ENTRY OF THE JUDGMENT OF CONVICTION, PERSONALLY APPEAR AND REGISTER WITH THE COUNTY REGISTRY FOR THE COUNTY IN WHICH THE CONVICTED PERSON RESIDES.

(B) A PERSON CONVICTED OF A VIOLATION OF ANOTHER STATE'S ANIMAL ABUSE STATUTE AS PROVIDED IN PARAGRAPH (D) OF SUBDIVISION TWO OF THIS SECTION WHO SUBSEQUENTLY BECOMES A RESIDENT OF THIS STATE SHALL, WITHIN TEN DAYS OF ENTERING THE STATE, PERSONALLY APPEAR AND REGISTER WITH THE COUNTY REGISTRY FOR THE COUNTY IN WHICH THE CONVICTED PERSON RESIDES.

(C) A PERSON CONVICTED OF A VIOLATION OF ANOTHER STATE'S ANIMAL ABUSE STATUTE AS PROVIDED IN PARAGRAPH (D) OF SUBDIVISION TWO OF THIS SECTION WHO SUBSEQUENTLY ENTERS THE STATE FOR A PERIOD OF MORE THAN TEN CONSECUTIVE DAYS, SHALL, WITHIN TEN DAYS OF ENTERING THE STATE, PERSONALLY APPEAR AND REGISTER WITH THE COUNTY REGISTRY IN WHICH THE CONVICTED PERSON IS STAYING.

(D) A PREVIOUSLY REGISTERED ANIMAL ABUSER WHO MOVES TO A NEW COUNTY WITHIN THE STATE SHALL RE-REGISTER WITH THE COUNTY REGISTRY FOR HIS OR HER NEW COUNTY OF RESIDENCE NO LATER THAN TEN DAYS AFTER MOVING TO THE NEW COUNTY.

5. (A) EACH REGISTRANT SHALL PROVIDE THE FOLLOWING INFORMATION TO THE COUNTY REGISTRY AT THE TIME OF REGISTRATION:

(1) THE REGISTRANT'S NAME, ALL ALIASES USED, DATE OF BIRTH, SOCIAL SECURITY NUMBER, SEX, RACE, HEIGHT, WEIGHT, EYE COLOR, DRIVER'S LICENSE NUMBER AND CURRENT HOME ADDRESS AND/OR EXPECTED PLACE OF DOMICILE;

(2) A DESCRIPTION OF ANY TATTOOS, SCARS OR OTHER DISTINGUISHING FEATURES ON THE ANIMAL ABUSER'S BODY THAT WOULD ASSIST IN IDENTIFYING THE ANIMAL ABUSER;

(3) A DESCRIPTION OF THE OFFENSE FOR WHICH THE REGISTRANT WAS CONVICTED, THE DATE OF CONVICTION AND THE SENTENCE IMPOSED;

(4) THE REGISTRANT'S EMPLOYMENT ADDRESS AND/OR EXPECTED PLACE OF EMPLOYMENT; AND

(5) ANY OTHER INFORMATION DEEMED PERTINENT BY THE CENTRAL REGISTRY.

(B) EACH REGISTRANT SHALL BE PHOTOGRAPHED AND FINGERPRINTED BY THE COUNTY REGISTRY STAFF. THE COUNTY REGISTRY SHALL, DURING THE PERIOD OF REGISTRATION, UPDATE SUCH PHOTOGRAPH ONCE EVERY THREE YEARS. THE CENTRAL REGISTRY SHALL NOTIFY THE REGISTRANT BY MAIL OF THE DUTY TO APPEAR AND BE PHOTOGRAPHED AT THE COUNTY REGISTRY FOR THE COUNTY IN WHICH THE REGISTRANT RESIDES. SUCH NOTIFICATION SHALL BE MAILED AT LEAST THIRTY DAYS AND NOT MORE THAN SIXTY DAYS BEFORE THE PHOTOGRAPH IS REQUIRED TO BE TAKEN.

(C) EACH COUNTY REGISTRY SHALL UTILIZE A STANDARDIZED REGISTRATION FORM IN A FORMAT DEVELOPED BY THE COMMISSIONER. SUCH FORM SHALL BE WRITTEN IN CLEAR AND CONCISE LANGUAGE AND SHALL ADVISE THE REGISTRANT OF HIS OR HER DUTIES AND OBLIGATIONS UNDER THIS ARTICLE. A COPY OF THE REGISTRATION FORM SHALL BE PROVIDED TO THE REGISTRANT AT THE TIME OF REGISTRATION.

(D) THE COUNTY REGISTRY SHALL FORWARD THE REGISTRATION FORM, THE REGISTRANT'S PHOTOGRAPH AND FINGERPRINTS AND ALL REGISTRATION INFORMATION OBTAINED FROM EACH REGISTRANT TO THE CENTRAL REGISTRY WITHIN TWENTY DAYS OF THE DATE OF THE REGISTRATION.

6. FOLLOWING A REGISTRANT'S INITIAL REGISTRATION PURSUANT TO THE PROVISIONS OF THIS SECTION, THE REGISTRANT SHALL ANNUALLY RENEW HIS OR

HER REGISTRATION WITH THE COUNTY SHERIFF PRIOR TO DECEMBER THIRTY-FIRST OF EACH SUBSEQUENT CALENDAR YEAR FOR A PERIOD OF FIFTEEN YEARS.

7. THE COUNTY REGISTRY SHALL CHARGE A FEE OF TWENTY DOLLARS FOR AN INITIAL REGISTRATION AND A FEE OF TEN DOLLARS EACH TIME A REGISTRANT REGISTERS ANY CHANGE OF ADDRESS. THE FEES SHALL BE PAID TO THE COUNTY REGISTRY BY THE REGISTRANT. ONE-HALF OF THE INITIAL REGISTRATION FEE SHALL BE PROVIDED TO THE CENTRAL REGISTRY AND ONE-HALF SHALL BE RETAINED BY THE COUNTY REGISTRY COLLECTING THE FEE. ALL CHANGE OF ADDRESS FEES SHALL BE RETAINED BY THE COUNTY REGISTRY.

8. AN ANIMAL ABUSER WHO INTENTIONALLY OR KNOWINGLY FAILS TO COMPLY WITH THE REGISTRATION REQUIREMENTS, OR PROVIDES FALSE INFORMATION WHEN COMPLYING WITH THE REGISTRATION REQUIREMENTS SET FORTH IN THIS SECTION, IS GUILTY OF A FELONY:

(A) PUNISHABLE BY IMPRISONMENT FOR A PERIOD NOT TO EXCEED FOUR YEARS, OR BY A FINE NOT TO EXCEED FIVE THOUSAND DOLLARS, OR BY BOTH SUCH FINE AND IMPRISONMENT FOR A FIRST OFFENSE; AND

(B) PUNISHABLE BY IMPRISONMENT FOR A PERIOD NOT TO EXCEED FOUR YEARS, OR BY A FINE NOT TO EXCEED TEN THOUSAND DOLLARS, OR BY BOTH SUCH FINE AND IMPRISONMENT FOR SUBSEQUENT OFFENSES.

9. WITHIN TEN DAYS OF RECEIVING INITIAL REGISTRATION INFORMATION FROM AN ANIMAL ABUSER, THE COUNTY SHERIFF SHALL CONTACT EVERY RESIDENCE, SCHOOL, HUMANE SOCIETY, ANIMAL SHELTER AND ANY OTHER BUSINESS WITHIN A HALF MILE RADIUS OF THE ANIMAL ABUSER'S RESIDENCE OR LOCATION AND PROVIDE THEM WITH THE ANIMAL ABUSER'S REGISTRATION INFORMATION, WITH THE EXCEPTION OF THE ANIMAL ABUSER'S SOCIAL SECURITY NUMBER.

10. REGISTRATION INFORMATION CONTAINED IN THE CENTRAL REGISTRY OF ANIMAL ABUSERS SHALL BE MADE AVAILABLE TO THE PUBLIC THROUGH INTERNET ACCESS, TELEPHONE ACCESS, WRITTEN ACCESS AND IN PERSON ACCESS. ALL OF THE INFORMATION CONTAINED IN AN ANIMAL ABUSER'S REGISTRATION, WITH THE EXCEPTION OF THE ANIMAL ABUSER'S SOCIAL SECURITY NUMBER, SHALL BE MADE AVAILABLE. RECORDS OF EACH ANIMAL ABUSER'S REGISTRATION SHALL BE MAINTAINED FOR THE DURATION OF THE FIFTEEN YEAR PERIOD IN WHICH THE ANIMAL ABUSER IS REQUIRED TO BE REGISTERED.

11. THE DEPARTMENT SHALL ALSO ESTABLISH A PUBLIC AWARENESS CAMPAIGN TO ADVISE THE PUBLIC OF THE PROVISIONS OF THIS SECTION.

12. NO OFFICIAL, AGENCY, AUTHORIZED PERSON OR ENTITY, WHETHER PUBLIC OR PRIVATE, SHALL BE SUBJECT TO ANY CIVIL OR CRIMINAL LIABILITY FOR DAMAGES FOR ANY DECISION OR ACTION MADE IN THE ORDINARY COURSE OF BUSINESS OF THAT OFFICIAL, AGENCY, AUTHORIZED PERSON OR ENTITY, PROVIDED THAT SUCH OFFICIAL, AGENCY, AUTHORIZED PERSON OR ENTITY ACTED REASONABLY AND IN GOOD FAITH WITH RESPECT TO SUCH REGISTRY INFORMATION.

13. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS AS MAY BE NECESSARY TO EFFECTUATE THE PROVISIONS AND INTENT OF THIS SECTION AND TO ENFORCE REGISTRATION, ALL OF WHICH SHALL HAVE THE FORCE AND EFFECT OF LAW.

S 2. This act shall take effect immediately.