

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:

1 Section 1. The agriculture and markets law is amended by adding a new
2 section 380 to read as follows:
3 S 380. ANIMAL ABUSER REGISTRY. 1. (A) THE COMMISSIONER SHALL ESTABLISH
4 AND MAINTAIN A CENTRAL REGISTRY OF INDIVIDUALS CONVICTED OF ANIMAL ABUSE
5 AND REQUIRED TO REGISTER PURSUANT TO THE PROVISIONS OF THIS SECTION.
6 (B) THE SHERIFF OF EACH COUNTY IN THE STATE SHALL ESTABLISH AND MAIN-
7 TAIN A COUNTY REGISTRY OF INDIVIDUALS CONVICTED OF ANIMAL ABUSE AND
8 REQUIRED TO REGISTER PURSUANT TO THE PROVISIONS OF THIS SECTION.
9 2. ANY PERSON OVER EIGHTEEN YEARS OF AGE WHO HAS BEEN CONVICTED OF ONE
10 OR MORE OF THE FOLLOWING OFFENSES SHALL REGISTER WITH THE ANIMAL ABUSE
11 REGISTRY IN THE COUNTY IN WHICH HE OR SHE RESIDES:
12 (A) A FELONY VIOLATION OF ANY PROVISION OF THIS ARTICLE;
13 (B) A VIOLATION OF THE PROVISIONS OF SECTION 195.06, 195.11 OR 195.12
14 OF THE PENAL LAW;
15 (C) A VIOLATION OF ANY PROVISION OF ARTICLE TWO HUNDRED FORTY-TWO OF
16 THE PENAL LAW; OR
17 (D) A VIOLATION OF COMPARABLE STATUTES OF ANOTHER STATE.
18 3. UPON CONVICTION OF ANY OFFENSE SET FORTH IN PARAGRAPH (A), (B) OR
19 (C) OF SUBDIVISION TWO OF THIS SECTION, THE COURT SHALL CERTIFY THAT THE
20 CONVICTED PERSON IS AN ANIMAL ABUSER AND SHALL INCLUDE THE CERTIFICATION
21 IN THE JUDGMENT OF CONVICTION AND THE ORDER OF COMMITMENT, IF ANY. THE
22 COURT SHALL PROVIDE A COPY OF THE JUDGMENT OF CONVICTION TO THE CENTRAL
23 REGISTRY AND THE COUNTY REGISTRY FOR THE COUNTY IN WHICH THE CONVICTED
24 PERSON RESIDES WITHIN FIVE DAYS OF THE ENTRY OF THE JUDGMENT OF
25 CONVICTION. THE COURT SHALL ALSO ADVISE THE ANIMAL ABUSER OF HIS OR HER
26 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.

LBD16156-01-0

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

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

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

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

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

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

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

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

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

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

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

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

44 (C) EACH COUNTY REGISTRY SHALL UTILIZE A STANDARDIZED REGISTRATION
45 FORM IN A FORMAT DEVELOPED BY THE COMMISSIONER. SUCH FORM SHALL BE WRIT-
46 TEN IN CLEAR AND CONCISE LANGUAGE AND SHALL ADVISE THE REGISTRANT OF HIS
47 OR HER DUTIES AND OBLIGATIONS UNDER THIS ARTICLE. A COPY OF THE REGIS-
48 TRATION FORM SHALL BE PROVIDED TO THE REGISTRANT AT THE TIME OF REGIS-
49 TRATION.

50 (D) THE COUNTY REGISTRY SHALL FORWARD THE REGISTRATION FORM, THE
51 REGISTRANT'S PHOTOGRAPH AND FINGERPRINTS AND ALL REGISTRATION INFORMA-
52 TION OBTAINED FROM EACH REGISTRANT TO THE CENTRAL REGISTRY WITHIN TWENTY
53 DAYS OF THE DATE OF THE REGISTRATION.

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

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

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

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

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

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

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

26 10. REGISTRATION INFORMATION CONTAINED IN THE CENTRAL REGISTRY OF
27 ANIMAL ABUSERS SHALL BE MADE AVAILABLE TO THE PUBLIC THROUGH INTERNET
28 ACCESS, TELEPHONE ACCESS, WRITTEN ACCESS AND IN PERSON ACCESS. ALL OF
29 THE INFORMATION CONTAINED IN AN ANIMAL ABUSER'S REGISTRATION, WITH THE
30 EXCEPTION OF THE ANIMAL ABUSER'S SOCIAL SECURITY NUMBER, SHALL BE MADE
31 AVAILABLE. RECORDS OF EACH ANIMAL ABUSER'S REGISTRATION SHALL BE MAIN-
32 TAINED FOR THE DURATION OF THE FIFTEEN YEAR PERIOD IN WHICH THE ANIMAL
33 ABUSER IS REQUIRED TO BE REGISTERED.

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

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

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

46 S 2. This act shall take effect immediately.