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

2015

2011-2012 Regular Sessions

I N S E N A T E

January 14, 2011

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to establishing an animal abuser registry

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 353-e to read as follows:

S 353-E. ANIMAL ABUSER REGISTRY. 1. FOR PURPOSES OF THIS SECTION, THE TERM "ANIMAL ABUSER" MEANS A PERSON OVER EIGHTEEN YEARS OF AGE WHO HAS BEEN CONVICTED OF A FELONY VIOLATION OF ANY PROVISION OF THIS ARTICLE OR OF THE COMPARABLE STATUTES OF ANOTHER STATE.

2. ANY ANIMAL ABUSER PHYSICALLY WITHIN THE BOUNDARIES OF THIS STATE FOR MORE THAN TEN CONSECUTIVE DAYS SHALL REGISTER WITH THE COUNTY SHERIFF FOR THE COUNTY IN WHICH THE ANIMAL ABUSER IS LOCATED BEFORE THE END OF THE ELEVENTH DAY IN THE STATE.

3. ANY PREVIOUSLY REGISTERED ANIMAL ABUSER SHALL REREGISTER WITH THE COUNTY SHERIFF FOR THE COUNTY IN WHICH THE ANIMAL ABUSER IS LOCATED NO LATER THAN TEN DAYS AFTER MOVING TO A NEW LOCATION WITHIN THE STATE.

4. WHEN AN ANIMAL ABUSER REGISTERS WITH THE COUNTY SHERIFF, THE ANIMAL ABUSER SHALL PROVIDE THE FOLLOWING REGISTRATION INFORMATION:

(A) THE LEGAL NAME AND ANY OTHER NAMES OR ALIASES THAT THE ANIMAL ABUSER IS USING OR HAS USED;

(B) THE DATE OF BIRTH OF THE ANIMAL ABUSER;

(C) THE SOCIAL SECURITY NUMBER OF THE ANIMAL ABUSER;

(D) THE CURRENT ADDRESS OR LOCATION OF THE ANIMAL ABUSER;

(E) THE PLACE OF EMPLOYMENT OF THE ANIMAL ABUSER;

(F) THE ANIMAL PROTECTION OFFENSE FOR WHICH THE ANIMAL ABUSER WAS CONVICTED; AND

(G) THE DATE AND PLACE OF THE ANIMAL PROTECTION OFFENSE CONVICTION OF THE ANIMAL ABUSER.

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

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5. WHEN AN ANIMAL ABUSER REGISTERS WITH A COUNTY SHERIFF, THE SHERIFF SHALL OBTAIN:

(A) A PHOTOGRAPH OF THE ANIMAL ABUSER AND A COMPLETE SET OF THE ANIMAL ABUSER'S FINGERPRINTS; AND

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

6. FOLLOWING AN ANIMAL ABUSER'S INITIAL REGISTRATION PURSUANT TO THE PROVISIONS OF THIS SECTION, AN ANIMAL ABUSER SHALL ANNUALLY RENEW THE ANIMAL ABUSER'S REGISTRATION WITH THE COUNTY SHERIFF PRIOR TO DECEMBER THIRTY-FIRST OF EACH SUBSEQUENT CALENDAR YEAR FOR A PERIOD OF FIFTEEN YEARS.

7. 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 CLASS E FELONY.

8. EACH COUNTY SHERIFF SHALL MAINTAIN A LOCAL REGISTRY OF ANIMAL ABUSERS IN THE SHERIFF'S JURISDICTION REQUIRED TO REGISTER PURSUANT TO THIS SECTION.

9. THE COUNTY SHERIFF SHALL FORWARD ALL REGISTRATION INFORMATION OBTAINED FROM ANIMAL ABUSERS TO THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES.

10. 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.

11. THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL MAINTAIN A CENTRAL REGISTRY OF ANIMAL ABUSERS REQUIRED TO REGISTER PURSUANT TO THE PROVISIONS OF THIS SECTION. 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.

S 2. This act shall take effect immediately.