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

5373

2011-2012 Regular Sessions

I N A S S E M B L Y

February 16, 2011

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

AN ACT to amend the agriculture and markets law, in relation to establishing the animal abuser registration act

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 article 26-C to read as follows:

ARTICLE 26-C

ANIMAL ABUSER REGISTRATION ACT

SECTION 420. SHORT TITLE.
421. DEFINITION.
422. REGISTRATION.
423. SEPARABILITY.

S 420. SHORT TITLE. THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE "ANIMAL ABUSER REGISTRATION ACT".

S 421. DEFINITION. FOR PURPOSES OF THIS SECTION "ANIMAL ABUSER" MEANS A PERSON OVER EIGHTEEN YEARS OF AGE WHO HAS BEEN CONVICTED OF A VIOLATION OF SECTION THREE HUNDRED FIFTY-THREE-A OF THIS CHAPTER OR OF THE COMPARABLE ANIMAL CRUELTY STATUTES OF ANOTHER STATE.

S 422. REGISTRATION. 1. 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.

2. 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.

3. 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;

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

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(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 OFFENSE FOR WHICH THE ANIMAL ABUSE WAS CONVICTED; AND
(G) THE DATE AND PLACE OF THE ANIMAL PROTECTION OFFENSE CONVICTION OF THE ANIMAL ABUSER.

4. 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.

5. 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.

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

7. THE COUNTY SHERIFF SHALL FORWARD ALL REGISTRATION INFORMATION OBTAINED FROM ANIMAL ABUSERS TO THE DIVISION OF CRIMINAL JUSTICE SERVICES.

8. 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.

9. THE 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 VIA INTERNET AND IN WRITTEN FORM UPON WRITTEN OR VERBAL REQUEST. 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 423. SEPARABILITY. IF ANY SECTION OF THIS ARTICLE, OR PART THEREOF SHALL BE ADJUDGED BY A COURT OF COMPETENT JURISDICTION TO BE INVALID, SUCH JUDGMENT SHALL NOT AFFECT, IMPAIR OR INVALIDATE THE REMAINDER OR ANY OTHER SECTION OR PART THEREOF.

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