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

239

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I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. ROSENTHAL, GABRYSZAK, LUPARDO, BOYLAND, DINOWITZ, COLTON, JAFFEE, HEVESI, MILLMAN, BENEDETTO, CASTRO, KAVANAGH, KELLNER, MONTESANO, TITONE -- Multi-Sponsored by -- M. of A. COOK, CORWIN, GIBSON, GLICK, GOTTFRIED, HOOPER, JORDAN, MAGEE, MAISEL, MALLIOTAKIS, MARKEY, McDONOUGH, McKEVITT, MILLER, RAIA, SCHIMEL, SWEENEY, TEDISCO, THIELE, WEISENBERG -- read once and referred to the Committee on Agriculture

AN ACT to amend the executive law, in relation to the creation of an animal cruelty and animal fighting database

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Legislative findings. Studies in psychology, sociology and criminology have demonstrated that violent offenders frequently have childhood and adolescent histories of serious and repeated animal cruelty. The Federal Bureau of Investigation has recognized this connection since the 1970s when its analysis of the lives of serial killers suggested that most had killed or tortured animals during their life. Other research has shown consistent patterns of animal cruelty among perpetrators of more common forms of violence, including child abuse, spouse abuse, and elder abuse, leading the American Psychiatric Association to consider animal cruelty as one of the diagnostic criteria of conduct disorder.

S 2. The executive law is amended by adding a new section 837-s to read as follows:

S 837-S. ANIMAL CRUELTY DATABASE. THE DIVISION SHALL ESTABLISH AND MAINTAIN A CRIME DATABASE ON ALL CRIMES OF ANIMAL CRUELTY AND ANIMAL FIGHTING COMMITTED IN THE STATE WHERE DATA OF SUCH CRIMES SHALL BE COLLECTED AND DISPLAYED IN A MANNER THAT FACILITATES ANALYSIS. SUCH CRIME DATABASE SHALL INCLUDE, BUT NOT BE LIMITED TO, NAMES OF PERSONS CONVICTED OF ANIMAL CRUELTY AND ANIMAL FIGHTING AS SET FORTH IN ARTICLE

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

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TWENTY-SIX OF THE AGRICULTURE AND MARKETS LAW AND THE SPECIFIC ACTS OF ANIMAL CRUELTY OR ANIMAL FIGHTING THAT WERE THE BASIS OF THE CONVICTION. FOR THE PURPOSES OF THIS SECTION, SUCH DATABASE SHALL ALSO INCLUDE INFORMATION ON PERSONS WHO HAVE PLED GUILTY TO A CHARGE OTHER THAN ANIMAL CRUELTY OR ANIMAL FIGHTING IN SATISFACTION OF THE ANIMAL CRUELTY OR ANIMAL FIGHTING CHARGE OR WHERE ANIMAL CRUELTY OR THE ANIMAL FIGHTING CHARGE HAS NOT RESULTED IN A DISMISSAL ON THE MERITS. THE CRIME DATA-BASE 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 AND ANIMAL CONTROL OFFICERS.

S 3. This act shall take effect June 1, 2015, provided, however, that effective immediately, the division of criminal justice services shall promulgate rules and regulations as it deems necessary to effectuate the purposes of this act, on or before such effective date.