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

239--A

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. ROSENTHAL, LUPARDO, DINOWITZ, COLTON, JAFFEE, HEVESI, MILLMAN, BENEDETTO, KAVANAGH, KELLNER, MONTESANO, TITONE, ENGLEBRIGHT, OTIS, SKOUFIS, PERRY -- Multi-Sponsored by -- M. of A. COOK, CORWIN, GLICK, GOTTFRIED, HOOPER, P. LOPEZ, MAGEE, MALLIOTAKIS, MARKEY, McDONOUGH, McKEVITT, MILLER, RAIA, SCHIMEL, SWEENEY, TEDISCO, THIELE, WEISENBERG -- read once and referred to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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. 1. THE DIVISION SHALL ESTABLISH AND MAINTAIN A CRIME DATABASE OF ALL CONVICTIONS IN NEW YORK STATE OF ANIMAL CRUELTY, ANIMAL FIGHTING, ANIMAL NEGLECT, ANIMAL ABANDONMENT, AND

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

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MISTREATMENT OF ANIMALS AS SET FORTH IN ARTICLE TWENTY-SIX OF THE AGRICULTURE AND MARKETS LAW AND THE PENAL LAW WHERE DATA OF SUCH CRIMES SHALL BE COLLECTED AND DISPLAYED IN A MANNER THAT FACILITATES ANALYSIS AND THE PROTECTION OF ANIMALS. FOR THE PURPOSE OF THIS SECTION, CONVICTIONS SHALL ALSO INCLUDE PLEAS TO A CHARGE OTHER THAN ANIMAL CRUELTY, ANIMAL FIGHTING, ANIMAL NEGLECT, ANIMAL ABANDONMENT, AND MISTREATMENT OF ANIMALS AS SET FORTH IN ARTICLE TWENTY-SIX OF THE AGRICULTURE AND MARKETS LAW AND THE PENAL LAW IN SATISFACTION OF THE ANIMAL CRUELTY, ANIMAL FIGHTING, ANIMAL NEGLECT, ANIMAL ABANDONMENT OR OTHER ANIMAL MISTREATMENT CHARGE OR WHERE THE ANIMAL CRUELTY, ANIMAL FIGHTING, ANIMAL NEGLECT, ANIMAL ABANDONMENT OR OTHER ANIMAL MISTREATMENT CHARGE HAS NOT RESULTED IN A DISMISSAL ON THE MERITS.

2. SUCH CRIME DATABASE SHALL INCLUDE, BUT NOT BE LIMITED TO, NAMES AND AGES OF PERSONS EIGHTEEN YEARS OF AGE OR OLDER WHO HAVE BEEN CONVICTED OF ANIMAL CRUELTY, ANIMAL FIGHTING, ANIMAL NEGLECT, ANIMAL ABANDONMENT AND OTHER LAWS PERTAINING TO THE MISTREATMENT OF ANIMALS AS SET FORTH IN ARTICLE TWENTY-SIX OF THE AGRICULTURE AND MARKETS LAW AND THE PENAL LAW, THE SPECIFIC ACTS OF ANIMAL CRUELTY, ANIMAL FIGHTING, ANIMAL NEGLECT, ANIMAL ABANDONMENT OR THE MISTREATMENT OF ANIMALS THAT WERE THE BASIS OF THE CONVICTION, THE DATE OR DATES THE ACTS TOOK PLACE, AND THE COUNTY WHERE SUCH ACTS TOOK PLACE.

3. THE CRIME DATABASE 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 AND CAT PROTECTIVE ASSOCIATIONS AND ANIMAL CONTROL OFFICERS.

4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT OR RESTRICT MUNICIPALITIES FROM ENACTING OR ENFORCING LOCAL LAWS, RULES, REGULATIONS OR ORDINANCES ESTABLISHING AND MAINTAINING AN ANIMAL ABUSE REGISTRY OR DATABASE OR OTHER MEANS OF TRACKING OR IDENTIFYING PERSONS CHARGED WITH VIOLATING ANIMAL ABUSE LAWS.

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.