

4516--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

February 5, 2013

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Introduced by M. of A. TEDISCO, KATZ, CORWIN, BUTLER, McDONOUGH, GIGLIO, TENNEY, McLAUGHLIN, STEVENSON, MILLER, COLTON, RAIA, JOHNS -- Multi-Sponsored by -- M. of A. ARROYO, BROOK-KRASNY, CERETTO, FINCH, KOLB, MAGEE, RABBITT, THIELE, WEISENBERG -- read once and referred to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to establishing a public registry for persons convicted of violating "Buster's Law"

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 352 to read as follows:  
3     S 352. PUBLIC ANIMAL CRUELTY REGISTER. 1. ANY PERSON WHO IS CONVICTED  
4     OF A VIOLATION OF SECTION THREE HUNDRED FIFTY-ONE OR THREE HUNDRED  
5     FIFTY-THREE-A OF THIS ARTICLE SHALL REGISTER WITH THE DIVISION OF CRIMI-  
6     NAL JUSTICE SERVICES. SUCH REGISTRATION SHALL BE MADE IN A MANNER AND  
7     FORM TO BE DETERMINED BY THE DIVISION OF CRIMINAL JUSTICE SERVICES, AND  
8     SHALL INCLUDE, AT A MINIMUM, THE NAME AND ADDRESS OF SUCH REGISTRANT.  
9     THE DIVISION OF CRIMINAL JUSTICE SERVICES SHALL MAINTAIN REGISTRATION  
10    INFORMATION RECEIVED PURSUANT TO THIS SECTION IN A REGISTRY. SUCH REGIS-  
11    TRY SHALL BE IN PRINT AND IN ELECTRONIC FORM AND SHALL BE AVAILABLE TO  
12    THE PUBLIC AS WELL AS ALL LAW ENFORCEMENT ENTITIES, DISTRICT ATTORNEYS,  
13    DULY INCORPORATED HUMANE SOCIETIES, SOCIETIES FOR THE PREVENTION OF  
14    CRUELTY TO ANIMALS, DOG OR CAT PROTECTIVE ASSOCIATIONS, ANIMAL CONTROL  
15    OFFICERS, BREEDERS OF ANIMALS, ANIMAL RESCUES AND PET STORES DOING BUSI-  
16    NESS IN THIS STATE. ANY PERSON REQUIRED TO REGISTER PURSUANT TO THIS  
17    SECTION SHALL REGISTER ANNUALLY, OR EACH TIME SUCH PERSON MOVES TO A NEW  
18    ADDRESS AND SHALL CONTINUE TO REGISTER UNTIL SUCH PERSON RECEIVES A  
19    COURT ORDER ORDERING SUCH REGISTRATION TO CEASE. NO SUCH ORDER SHALL BE  
20    ISSUED UNTIL SUCH PERSON FIRST DEMONSTRATES TO THE COURT THAT HE OR SHE

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

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1 HAS UNDERGONE PSYCHIATRIC OR PSYCHOLOGICAL TESTING, THE RESULTS OF WHICH  
2 INDICATE BY CLEAR AND CONVINCING EVIDENCE HIS OR HER CAPABLE AND SOUND  
3 MENTAL CAPACITY AND ABILITY TO OWN AND PROPERLY CARE FOR AN ANIMAL IN A  
4 HUMANE MANNER. ANY PERSON REQUIRED TO REGISTER PURSUANT TO THIS SECTION  
5 SHALL NOT OWN A COMPANION ANIMAL OR HAVE EMPLOYMENT AT AN ANIMAL SHEL-  
6 TER, POUND, PET STORE, ZOO OR OTHER BUSINESS ESTABLISHMENT WHERE COMPAN-  
7 ION ANIMALS ARE PRESENT. ANY PERSON WHO IS CONVICTED OF A VIOLATION OF  
8 SECTION THREE HUNDRED FIFTY-ONE OR THREE HUNDRED FIFTY-THREE-A OF THIS  
9 ARTICLE SHALL, IN ADDITION TO ANY OTHER PENALTY OR TERM OF IMPRISONMENT  
10 AUTHORIZED BY LAW, BE SUBJECT TO A MANDATORY ANNUAL SURCHARGE OF FIFTY  
11 DOLLARS WHICH SHALL BE USED TO PAY FOR COSTS AND EXPENSES ASSOCIATED  
12 WITH ESTABLISHING AND MAINTAINING THE REGISTRY REQUIRED BY THIS SECTION.  
13 2. THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL MUNICIPALITIES,  
14 INCLUDING CITIES HAVING A POPULATION OF ONE MILLION OR MORE, AND SHALL  
15 SUPERSEDE ANY LOCAL LAW, RULE, REGULATION, CODE OR ORDINANCE REGULATING  
16 THE ESTABLISHMENT, IMPLEMENTATION AND ENFORCEMENT OF AN ANIMAL CRUELTY  
17 OR ABUSER REGISTRY.  
18 S 2. This act shall take effect on the thirtieth day after it shall  
19 have become a law.