

1594--B

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. GRISANTI -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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 creating the animal abuser central registry, and to require that certain convicted animal abusers register with such registry

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 380 to read as follows:  
3 S 380. ANIMAL ABUSER REGISTRY. 1. THE COMMISSIONER SHALL ESTABLISH AND  
4 MAINTAIN A CENTRAL REGISTRY OF INDIVIDUALS CONVICTED OF ANIMAL ABUSE AND  
5 REQUIRED TO REGISTER PURSUANT TO THE PROVISIONS OF THIS SECTION.  
6 2. ANY PERSON OVER EIGHTEEN YEARS OF AGE WHO HAS BEEN CONVICTED OF ONE  
7 OR MORE OF THE FOLLOWING OFFENSES SHALL REGISTER WITH THE COUNTY SHERIFF  
8 FOR THE COUNTY IN WHICH THE ANIMAL ABUSER RESIDES:  
9 (A) A FELONY VIOLATION OF ANY PROVISION OF THIS ARTICLE;  
10 (B) A VIOLATION OF THE PROVISIONS OF SECTION THREE HUNDRED  
11 FIFTY-THREE, THREE HUNDRED FIFTY-THREE-B, THREE HUNDRED FIFTY-FOUR,  
12 THREE HUNDRED FIFTY-FIVE, THREE HUNDRED FIFTY-SIX, THREE HUNDRED FIFTY-  
13 SEVEN, THREE HUNDRED FIFTY-EIGHT, THREE HUNDRED FIFTY-EIGHT-A, THREE  
14 HUNDRED FIFTY-NINE, THREE HUNDRED FIFTY-NINE-A, THREE HUNDRED SIXTY-TWO,  
15 THREE HUNDRED SIXTY-FOUR, THREE HUNDRED SIXTY-FIVE, THREE HUNDRED  
16 SIXTY-SIX, THREE HUNDRED SIXTY-SIX-A, THREE HUNDRED SIXTY-EIGHT, THREE  
17 HUNDRED SIXTY-NINE OR THREE HUNDRED SEVENTY OF THIS ARTICLE;  
18 (C) A VIOLATION OF THE PROVISIONS OF SECTION 195.06, 195.11 OR 195.12  
19 OF THE PENAL LAW;

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

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1 (D) A VIOLATION OF ANY PROVISION OF ARTICLE TWO HUNDRED FORTY-TWO OF  
2 THE PENAL LAW;

3 (E) A VIOLATION OF SUBDIVISION THREE OF SECTION 130.20 OF THE PENAL  
4 LAW; OR

5 (F) A VIOLATION OF COMPARABLE STATUTES OF ANOTHER STATE.

6 3. UPON CONVICTION OF ANY OFFENSE SET FORTH IN PARAGRAPH (A), (B),  
7 (C), (D) OR (E) OF SUBDIVISION TWO OF THIS SECTION, THE COURT SHALL  
8 CERTIFY THAT THE CONVICTED PERSON IS AN ANIMAL ABUSER AND SHALL INCLUDE  
9 THE CERTIFICATION IN THE JUDGMENT OF CONVICTION AND THE ORDER OF COMMIT-  
10 MENT, IF ANY. THE COURT SHALL PROVIDE A COPY OF THE JUDGMENT OF  
11 CONVICTION TO THE COUNTY SHERIFF WITHIN FIVE DAYS OF THE ENTRY OF THE  
12 JUDGMENT OF CONVICTION. THE COURT SHALL ALSO ADVISE THE ANIMAL ABUSER OF  
13 HIS OR HER DUTIES UNDER THIS ARTICLE. FAILURE TO INCLUDE THE CERTIF-  
14 ICATION IN THE JUDGMENT OF CONVICTION OR THE ORDER OF COMMITMENT SHALL  
15 NOT RELIEVE AN ANIMAL ABUSER OF THE OBLIGATIONS IMPOSED BY THIS SECTION.

16 4. A PERSON CONVICTED OF A VIOLATION OF ANOTHER STATE'S ANIMAL ABUSE  
17 STATUTE AS PROVIDED IN PARAGRAPH (F) OF SUBDIVISION TWO OF THIS SECTION  
18 WHO SUBSEQUENTLY BECOMES A RESIDENT OF THIS STATE SHALL, WITHIN THIRTY  
19 DAYS OF ENTERING THE STATE, REGISTER WITH THE CENTRAL REGISTRY.

20 5. (A) EACH REGISTRANT SHALL PROVIDE THE FOLLOWING INFORMATION TO THE  
21 COUNTY SHERIFF AT THE TIME OF REGISTRATION:

22 (1) THE REGISTRANT'S NAME, ALL ALIASES USED, DATE OF BIRTH, SEX, RACE,  
23 HEIGHT, WEIGHT, EYE COLOR, DRIVER'S LICENSE NUMBER AND CURRENT HOME  
24 ADDRESS AND/OR EXPECTED PLACE OF DOMICILE;

25 (2) A DESCRIPTION OF ANY TATTOOS, SCARS OR OTHER DISTINGUISHING  
26 FEATURES ON THE ANIMAL ABUSER'S BODY THAT WOULD ASSIST IN IDENTIFYING  
27 THE ANIMAL ABUSER;

28 (3) A DESCRIPTION OF THE OFFENSE FOR WHICH THE REGISTRANT WAS  
29 CONVICTED, THE DATE OF CONVICTION AND THE SENTENCE IMPOSED; AND

30 (4) ANY OTHER INFORMATION DEEMED PERTINENT BY THE CENTRAL REGISTRY.

31 (B) THE CENTRAL REGISTRY SHALL UTILIZE A STANDARDIZED REGISTRATION  
32 FORM IN A FORMAT DEVELOPED BY THE COMMISSIONER. SUCH FORM SHALL BE WRIT-  
33 TEN IN CLEAR AND CONCISE LANGUAGE AND SHALL ADVISE THE REGISTRANT OF HIS  
34 OR HER DUTIES AND OBLIGATIONS UNDER THIS ARTICLE. A COPY OF THE REGIS-  
35 TRATION FORM SHALL BE PROVIDED TO THE REGISTRANT AT THE TIME OF REGIS-  
36 TRATION.

37 6. (A) FOLLOWING A REGISTRANT'S INITIAL REGISTRATION PURSUANT TO THE  
38 PROVISIONS OF THIS SECTION, THE REGISTRANT SHALL ANNUALLY RENEW HIS OR  
39 HER REGISTRATION WITH THE COUNTY SHERIFF PRIOR TO DECEMBER THIRTY-FIRST  
40 OF EACH SUBSEQUENT CALENDAR YEAR FOR A PERIOD OF FIVE YEARS.

41 (B) IF A PERSON HAS BEEN SUBSEQUENTLY CONVICTED OF AN OFFENSE SET  
42 FORTH IN PARAGRAPH (A), (B), (C), (D) OR (E) OF SUBDIVISION TWO OF THIS  
43 SECTION, THE REGISTRANT SHALL ANNUALLY RENEW HIS OR HER REGISTRATION  
44 WITH THE CENTRAL REGISTRY PRIOR TO DECEMBER THIRTY-FIRST OF EACH SUBSE-  
45 QUENT CALENDAR YEAR FOR A PERIOD OF TEN YEARS.

46 7. THE CENTRAL REGISTRY SHALL CHARGE AN ANNUAL FEE OF FIFTY DOLLARS  
47 AND A FEE OF TEN DOLLARS EACH TIME A REGISTRANT REGISTERS ANY CHANGE OF  
48 ADDRESS. THE FEES SHALL BE PAID TO THE COUNTY SHERIFF BY THE REGISTRANT.

49 8. (A) A PERSON REQUIRED TO REGISTER PURSUANT TO THIS SECTION IS  
50 PROHIBITED FROM, POSSESSING, ADOPTING, OWNING, PURCHASING OR EXERCISING  
51 CONTROL OVER ANY COMPANION ANIMAL FOR THE PERIOD SUCH PERSON IS REQUIRED  
52 TO REGISTER; PROVIDED, HOWEVER, THAT THE COURT MAY ALLOW SUCH PERSON TO  
53 POSSESS, ADOPT, OWN, PURCHASE OR EXERCISE CONTROL OVER A LIMITED NUMBER  
54 OF COMPANION ANIMALS WHERE SUCH PERSON IS DETERMINED TO BE A HOARDER OF  
55 COMPANION ANIMALS.

1 (B) ALL ANIMAL SHELTERS AND PET DEALERS SHALL EXAMINE THE CENTRAL  
2 REGISTRY TO CONFIRM THAT ANY POTENTIAL OWNERS ARE NOT REGISTRANTS. NO  
3 COMPANION ANIMAL SHALL BE SOLD, EXCHANGED OR OTHERWISE TRANSFERRED TO AN  
4 ANIMAL ABUSER LISTED ON THE REGISTRY.

5 9. (A) AN ANIMAL ABUSER WHO INTENTIONALLY OR KNOWINGLY FAILS TO COMPLY  
6 WITH THE REGISTRATION REQUIREMENTS, OR PROVIDES FALSE INFORMATION WHEN  
7 COMPLYING WITH THE REGISTRATION REQUIREMENTS SET FORTH IN THIS SECTION,  
8 OR WHO VIOLATES THE PROVISIONS OF PARAGRAPH (A) OF SUBDIVISION EIGHT OF  
9 THIS SECTION, IS GUILTY OF A FELONY:

10 (1) PUNISHABLE BY IMPRISONMENT FOR A PERIOD NOT TO EXCEED FOUR YEARS,  
11 OR BY A FINE NOT TO EXCEED FIVE THOUSAND DOLLARS, OR BY BOTH SUCH FINE  
12 AND IMPRISONMENT FOR A FIRST OFFENSE; AND

13 (2) PUNISHABLE BY IMPRISONMENT FOR A PERIOD NOT TO EXCEED FOUR YEARS,  
14 OR BY A FINE NOT TO EXCEED TEN THOUSAND DOLLARS, OR BY BOTH SUCH FINE  
15 AND IMPRISONMENT FOR SUBSEQUENT OFFENSES.

16 (B) ANY ANIMAL SHELTER OR PET DEALER WHO VIOLATES PARAGRAPH (B) OF  
17 SUBDIVISION EIGHT OF THIS SECTION SHALL BE GUILTY OF A VIOLATION AND  
18 SUBJECT TO A FINE NOT TO EXCEED ONE THOUSAND DOLLARS. IT SHALL BE AN  
19 AFFIRMATIVE DEFENSE THAT THE ANIMAL SHELTER OR PET DEALER EXAMINED THE  
20 CENTRAL ANIMAL ABUSER REGISTRY AND THE NAME OF THE PERSON TO WHOM THEY  
21 SOLD OR TRANSFERRED A COMPANION ANIMAL DID NOT APPEAR THEREON.

22 10. EACH COUNTY SHERIFF SHALL MAINTAIN A LOCAL REGISTRY OF ANIMAL  
23 ABUSERS IN THE SHERIFF'S JURISDICTION.

24 11. A COUNTY SHERIFF SHALL FORWARD ALL REGISTRATION INFORMATION  
25 OBTAINED FROM ANIMAL ABUSERS TO THE CENTRAL REGISTRY OF ANIMAL ABUSERS.

26 12. REGISTRATION INFORMATION CONTAINED IN THE CENTRAL REGISTRY OF  
27 ANIMAL ABUSERS SHALL BE MADE AVAILABLE TO THE PUBLIC THROUGH INTERNET  
28 ACCESS, TELEPHONE ACCESS, WRITTEN ACCESS AND IN PERSON ACCESS. ALL OF  
29 THE INFORMATION CONTAINED IN AN ANIMAL ABUSER'S REGISTRATION SHALL BE  
30 MADE AVAILABLE WITH THE EXCEPTION OF THE ANIMAL ABUSER'S DRIVER'S  
31 LICENSE NUMBER. RECORDS OF EACH ANIMAL ABUSER'S REGISTRATION SHALL BE  
32 MAINTAINED FOR THE DURATION OF THE PERIOD IN WHICH THE ANIMAL ABUSER IS  
33 REQUIRED TO BE REGISTERED PURSUANT TO SUBDIVISION SIX OF THIS SECTION.

34 13. NO OFFICIAL, AGENCY, AUTHORIZED PERSON OR ENTITY, WHETHER PUBLIC  
35 OR PRIVATE, SHALL BE SUBJECT TO ANY CIVIL OR CRIMINAL LIABILITY FOR  
36 DAMAGES FOR ANY DECISION OR ACTION MADE IN THE ORDINARY COURSE OF BUSI-  
37 NESS OF THAT OFFICIAL, AGENCY, AUTHORIZED PERSON OR ENTITY, PROVIDED  
38 THAT SUCH OFFICIAL, AGENCY, AUTHORIZED PERSON OR ENTITY ACTED REASONABLY  
39 AND IN GOOD FAITH WITH RESPECT TO SUCH REGISTRY INFORMATION.

40 14. THE COMMISSIONER SHALL PROMULGATE RULES AND REGULATIONS AS MAY BE  
41 NECESSARY TO EFFECTUATE THE PROVISIONS AND INTENT OF THIS SECTION AND TO  
42 ENFORCE REGISTRATION, ALL OF WHICH SHALL HAVE THE FORCE AND EFFECT OF  
43 LAW.

44 15. FOR PURPOSES OF THIS SECTION:

45 (A) "ANIMAL SHELTER" MEANS PUBLIC OR PRIVATELY OWNED ORGANIZATION  
46 INCLUDING, BUT NOT LIMITED TO, ANY DULY INCORPORATED HUMANE SOCIETY,  
47 POUND, ANIMAL PROTECTIVE ASSOCIATION OR ANIMAL RESCUE GROUP WHICH MAIN-  
48 TAINS BUILDINGS, STRUCTURES OR OTHER PROPERTY FOR THE PURPOSE OF HARBOR-  
49 ING ANIMALS WHICH MAY BE STRAY, UNWANTED, LOST, ABANDONED OR ABUSED AND  
50 SEEKS TO FIND APPROPRIATE TEMPORARY OR PERMANENT HOMES FOR SUCH ANIMALS.

51 (B) "PET DEALER" MEANS ANY INDIVIDUAL, PERSON, PARTNERSHIP, FIRM,  
52 CORPORATION OR OTHER ENTITY WHICH OFFERS ANIMALS FOR SALE OR IS ENGAGED  
53 IN THE SALE, EXCHANGE OR OTHER TRANSFER OF OWNERSHIP OF ANIMALS.

54 16. THIS SECTION SHALL BE EXCLUSIVE AND SHALL PREEMPT ANY LOCAL LAW OR  
55 ORDINANCE RELATING TO ANIMAL ABUSER REGISTRATION.

56 S 2. This act shall take effect immediately.