

2015-2016 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2015

Introduced by M. of A. ROSENTHAL, LUPARDO, DINOWITZ, COLTON, JAFFEE, HEVESI, BENEDETTO, KAVANAGH, MONTESANO, TITONE, ENGLEBRIGHT, OTIS, SKOUFIS, PERRY -- Multi-Sponsored by -- M. of A. COOK, CORWIN, GLICK, GOTTFRIED, HOOPER, LOPEZ, MAGEE, MALLIOTAKIS, MARKEY, McDONOUGH, McKEVITT, MILLER, RAIA, SCHIMEL, TEDISCO, THIELE -- 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:

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

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

14 S 837-S. ANIMAL CRUELTY DATABASE. 1. THE DIVISION SHALL ESTABLISH AND
15 MAINTAIN A CRIME DATABASE OF ALL CONVICTIONS IN NEW YORK STATE OF ANIMAL
16 CRUELTY, ANIMAL FIGHTING, ANIMAL NEGLECT, ANIMAL ABANDONMENT, AND
17 MISTREATMENT OF ANIMALS AS SET FORTH IN ARTICLE TWENTY-SIX OF THE AGRI-
18 CULTURE AND MARKETS LAW AND THE PENAL LAW WHERE DATA OF SUCH CRIMES
19 SHALL BE COLLECTED AND DISPLAYED IN A MANNER THAT FACILITATES ANALYSIS
20 AND THE PROTECTION OF ANIMALS. FOR THE PURPOSE OF THIS SECTION,

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

LBD03929-01-5

1 CONVICTIONS SHALL ALSO INCLUDE PLEAS TO A CHARGE OTHER THAN ANIMAL
2 CRUELTY, ANIMAL FIGHTING, ANIMAL NEGLECT, ANIMAL ABANDONMENT, AND
3 MISTREATMENT OF ANIMALS AS SET FORTH IN ARTICLE TWENTY-SIX OF THE AGRI-
4 CULTURE AND MARKETS LAW AND THE PENAL LAW IN SATISFACTION OF THE ANIMAL
5 CRUELTY, ANIMAL FIGHTING, ANIMAL NEGLECT, ANIMAL ABANDONMENT OR OTHER
6 ANIMAL MISTREATMENT CHARGE OR WHERE THE ANIMAL CRUELTY, ANIMAL FIGHTING,
7 ANIMAL NEGLECT, ANIMAL ABANDONMENT OR OTHER ANIMAL MISTREATMENT CHARGE
8 HAS NOT RESULTED IN A DISMISSAL ON THE MERITS.

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

18 3. THE CRIME DATABASE SHALL BE IN PRINT AND IN ELECTRONIC FORM AND
19 SHALL BE AVAILABLE TO ALL LAW ENFORCEMENT ENTITIES, DISTRICT ATTORNEYS,
20 DULY INCORPORATED HUMANE SOCIETIES, SOCIETIES FOR THE PREVENTION OF
21 CRUELTY TO ANIMALS, DOG AND CAT PROTECTIVE ASSOCIATIONS AND ANIMAL
22 CONTROL OFFICERS.

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

28 S 3. This act shall take effect twelve months after it shall have
29 become a law; provided, however, that effective immediately, the divi-
30 sion of criminal justice services shall promulgate rules and regulations
31 as it deems necessary to effectuate the purposes of this act, on or
32 before such effective date.