

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.