

# STATE OF NEW YORK

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399

2023-2024 Regular Sessions

## IN ASSEMBLY

January 9, 2023

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Introduced by M. of A. L. ROSENTHAL, LUPARDO, DINOWITZ, COLTON, HEVESI, BENEDETTO, OTIS, STIRPE, HUNTER, SIMON, SEAWRIGHT, STERN -- Multi-Sponsored by -- M. of A. COOK, GLICK, McDONOUGH, 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 spousal 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 § 2. Section 837-w of the executive law, as added by chapter 219 of  
13 the laws of 2022, is renumbered 837-x and a new section 837-y is added  
14 to read as follows:

15 § 837-y. Animal cruelty database. 1. The division shall establish and  
16 maintain a crime database of all convictions in New York state of animal  
17 cruelty, animal fighting, animal neglect, animal abandonment, and  
18 mistreatment of animals as set forth in article twenty-six of the agri-  
19 culture and markets law and the penal law where data of such crimes  
20 shall be collected and displayed in a manner that facilitates analysis  
21 and the protection of animals. For the purpose of this section,  
22 convictions shall also include pleas to a charge other than animal  
23 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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1 mistreatment of animals as set forth in article twenty-six of the agri-  
2 culture and markets law and the penal law in satisfaction of the animal  
3 cruelty, animal fighting, animal neglect, animal abandonment or other  
4 animal mistreatment charge or where the animal cruelty, animal fighting,  
5 animal neglect, animal abandonment or other animal mistreatment charge  
6 has not resulted in a dismissal on the merits.

7     2. Such crime database shall include, but not be limited to, names and  
8 ages of persons eighteen years of age or older who have been convicted  
9 of animal cruelty, animal fighting, animal neglect, animal abandonment  
10 and other laws pertaining to the mistreatment of animals as set forth in  
11 article twenty-six of the agriculture and markets law and the penal law,  
12 the specific acts of animal cruelty, animal fighting, animal neglect,  
13 animal abandonment or the mistreatment of animals that were the basis of  
14 the conviction, the date or dates the acts took place, and the county  
15 where such acts took place.

16     3. The crime database shall be in print and in electronic form and  
17 shall be available to all law enforcement entities, district attorneys,  
18 duly incorporated humane societies, societies for the prevention of  
19 cruelty to animals, dog and cat protective associations and animal  
20 control officers.

21     4. Nothing in this section shall be construed to limit or restrict  
22 municipalities from enacting or enforcing local laws, rules, regulations  
23 or ordinances establishing and maintaining an animal abuse registry or  
24 database or other means of tracking or identifying persons charged with  
25 violating animal abuse laws.

26     § 3. This act shall take effect twelve months after it shall have  
27 become a law. Effective immediately, the division of criminal justice  
28 services is authorized to promulgate rules and regulations as it deems  
29 necessary to effectuate the purposes of this act, on or before such  
30 effective date.