

**LOCAL LAW NO. 2 OF 2011
COUNTY OF ROCKLAND
STATE OF NEW YORK**

(Introduced by: Hon. Gerold M. Bierker)
(Co-Sponsors: Hon. Joseph L. Meyers,
Hon. Frank Sparaco, Hon. Alden H. Wolfe)

Mr. Bierker offered the following Local law, which was seconded by the Entire Legislature and unanimously adopted:

A local law establishing a County registry for animal abuse offenders.

Be it enacted by the legislature of the county of Rockland as follows:

Section 1. Name of local law

This law shall be known as “the Animal Abuser Registry Law.”

Section 2. Legislative intent.

Animal cruelty is a serious problem, resulting in the abuse of thousands of animals each year in the United States. While New York State has criminalized the cruel treatment of animals, animal abuse continues to occur in Rockland County and throughout the State. Statistically, individuals who abuse animals are more likely to commit violent acts against humans. Furthermore, a strong correlation has been established linking individuals who abuse animals with incidents of domestic violence.

While a number of states in recent years have considered legislation to establish statewide registries of individuals convicted of animal abuse offenses, Suffolk County in New York is the nation’s first municipality to adopt a local law creating such a registry. This Legislature finds that it is in the best interests of Rockland County residents to establish a similar system. Therefore, the purpose of this law is to establish an online registry for individuals residing in Rockland County who are convicted of animal abuse crimes.

Section 3. Definitions.

As used in this article, the following terms shall have the meanings indicated:

- A. **ANIMAL ABUSE CRIME** - the commission of the following enumerated crimes against an animal: animal fighting, as defined in the New York State Agriculture and Markets Law (hereinafter “A.M.L.”) §351; overdriving, torturing and injuring animals; failure to provide proper sustenance, as defined in A.M.L. § 353; aggravated cruelty to animals, as defined in A.M.L. §353-a; abandonment of animals, as defined in A.M.L. § 355; failure to provide proper food and drink to impounded animal, as defined in A.M.L. § 356; interference with or injury to certain domestic animals, as defined in A.M.L. §361; harming a service animal in the first degree, as defined in New York State Penal Code §242.15.
- B. **CONVICTED OF** - shall be defined as an adjudication of guilt by any court of competent jurisdiction, whether upon a verdict or plea of guilty or nolo contendere.

- C. **PET DEALER** - any person who engages in the sale or offering for sale of more than nine animals per year for profit to the public. Such definition shall include breeders who sell or offer to sell animals; provided that a breeder who sells or offers to sell directly to the consumer fewer than twenty-five animals per year that are born and raised on the breeder's residential premises shall not be considered a pet dealer as a result of selling or offering to sell such animals.
- D. **CONSUMER** - any individual purchasing an animal from a pet dealer. A pet dealer shall not be considered a consumer.

Section 4. Creation of Animal Abuser Registry.

The Rockland County Sheriff, or his/her designee, is hereby authorized, empowered and directed to establish an Animal Abuser Registry that shall contain the names and residence information of individuals living in Rockland County who are convicted of an animal abuse crime. The Registry will be maintained by the Rockland County Sheriff's Department.

Section 5. Requirements.

- A. All persons eighteen (18) years of age or older who reside in Rockland County and who are convicted of an animal abuse crime on or after the effective date of this law must register with the Rockland County Animal Abuser Registry within five (5) days following the effective date of this law or their release from incarceration or, if not incarcerated, from the date of the rendering of judgment.
- B. The prosecuting agency shall notify all persons upon conviction of an animal abuse crime that they must register with the Rockland County Animal Abuse Registry within five (5) days following their release from incarceration or, if not incarcerated, from the date of the rendering of judgment.
- C. When a person is convicted of an animal abuse crime, the prosecuting agency shall forward to the Sheriff's Department the name and address of the convicted person along with the name of the animal abuse crime the person was convicted of, thereby notifying the Sheriff's Department that the person is required to register with the Animal Abuse Registry.
- D. Each person required to register with the Animal Abuser Registry shall submit:
 - 1. their name;
 - 2. any aliases they are known under;
 - 3. their residential address; and
 - 4. a photograph of their head and shoulders taken from the front.
- E. Each person registered with the Animal Abuser Registry shall update their registration information each time they move from one residential address to another or, if their residential address does not change, annually from the date of their first registration.
- F. Each person required to register with the Animal Abuser Registry shall remain on the Registry for four (4) years following their release from incarceration or the date judgment was rendered, whichever is later. Registered persons who are convicted of subsequent animal abuse crimes shall remain on the registry for four (4) years following their most recent conviction.

- G. Before selling or offering to sell an animal to a consumer, every pet dealer, duly incorporated society for the prevention of cruelty to animals, humane society, pound, animal shelter, or any authorized agents thereof, must check the Animal Abuse Registry to see if the prospective consumer is a registered animal abuser.
- H. No pet dealer, duly incorporated society for the prevention of cruelty to animals, humane society, pound, animal shelter, or any authorized agents thereof, shall knowingly sell or offer to sell an animal to a consumer who is registered animal abuser.

Section 6. Fees.

Every person required to register with the Animal Abuse Registry must pay an annual fee of fifty dollars (\$50.00) to the Rockland County Sheriff's Department. These funds will be used to pay the administrative costs of maintaining the Registry.

Section 7. Promulgation of Rules and Regulations.

The Rockland County Sheriff, or his/her designee, is hereby authorized and empowered to promulgate such rules and regulations necessary to implement this law.

Section 8. Penalties.

- A. Any person required to register, or update his/her registration, with the Animal Abuse Registry who fails to do so shall be guilty of a class "A" misdemeanor.
- B. Any pet dealer, duly incorporated society for the prevention of cruelty to animals, humane society, pound, animal shelter, or any authorized agents thereof, who knowingly sells or offers to sell an animal to a consumer who is a registered animal abuser shall be guilty of a class "A" misdemeanor.
- C. Any pet dealer, duly incorporated society for the prevention of cruelty to animals, humane society, pound, animal shelter, or any authorized agents thereof, who fails to check the Animal Abuser Registry to see if the prospective consumer is a registered animal abuser and thereafter sells or offers to sell an animal to a consumer who is a registered animal abuser shall be guilty of a violation.
- D. Any pet dealer, duly incorporated society for the prevention of cruelty to animals, humane society, pound, animal shelter, or any authorized agents thereof, who a second time within two (2) years fails to check the Animal Abuser Registry to see if the prospective consumer is a registered animal abuser and thereafter sells or offers to sell an animal to a consumer who is a registered animal abuser shall be guilty of a class "A" misdemeanor.

Section 9. Applicability.

This law shall apply to all persons convicted of animal abuse crimes on or after the effective date of this law.

Section 10. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 11. Effective Date.

This local law shall take effect one hundred and eighty (180) days after filing with the New York State Secretary of State.