

LOCAL LAW NO. "K" FOR 2011

A LOCAL LAW OF THE COUNTY OF ALBANY, NEW YORK PROTECTING ANIMALS FROM ABUSE BY ESTABLISHING A REGISTRY FOR ANIMAL ABUSERS

Introduced: 9/12/11

By Messrs. Clenahan, Domalewicz, Morse, Higgins, Beston, Steck, Cotrofeld, Joyce, Mss. Maffia-Tobler, McKnight, Messrs. Ethier, Bullock, Aylward, Ms. Connolly, Messrs. Scavo, McCoy, Ward and Reilly:

BE IT ENACTED by the Albany County Legislature as follows:

Section 1. Title

This Local Law shall be known as the "Animal Abuse Registry Law."

Section 2. Legislative Findings

The Legislature finds and determines that animal cruelty is a serious problem resulting in the abuse of thousands of animals each year and that while the State of New York has criminalized the cruel treatment of animals, animal abuse and cruelty continues to occur in Albany County and throughout New York State.

The Legislature further finds and determines that people who have abused animals in the past are likely to do so in the future and studies show that there is a near 100% recidivism rate for certain types of abuse such as animal hoarding.

The Legislature further finds and determines that individuals who abuse animals are statistically more likely to commit violent acts against humans and, in particular, the Legislature also determines that a strong correlation has been established linking individuals who abuse animals with incidents of domestic violence.

The Legislature further finds and determines that animals in need of homes need to be protected from potential abusers.

The Legislature further finds and determines that it is in the best interests of the residents of Albany County and their animals that an online registry be established identifying individuals residing in Albany County convicted of animal abuse crimes that will prevent these individuals convicted of animal cruelty from adopting, purchasing, or otherwise obtaining animals from any animal shelter, pet seller, or other person or entity involved in the exchange of animals by adoption, sale, or other means.

Section 3. Definitions

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

“Animal Abuse Crime” – Any of the following crimes:

- (a) A violation of any provision of the NYS Agriculture Markets Law (AML) Article 26
- (b) Sexual misconduct with an animal in violation of NYS Penal Law (PL) §130.20(a)
- (c) Harming a service animal in violation of PL §140.10 and PL §140.15
- (d) Killing or injuring a police animal in violation of PL §195.06
- (e) Harming an animal trained to aid a person with a disability in violation of PL §195.12

“Animal Abuse Offender” – Any person convicted of an Animal Abuse Crime.

“Animal Abuse Registry” – The on-line registry established by this Local Law for registering any person residing in Albany County convicted of an Animal Abuse Crime.

“Animal Shelter” – Any public or privately owned organization including, but not limited to, any duly incorporated humane society, pound, animal protective association or animal rescue group which maintains buildings, structures, or other property for the purpose of harboring animals which may be stray, unwanted, lost, abandoned, or abused and seeks to find appropriate temporary or permanent homes for such animals.

“Conviction” – An adjudication of guilt by any court of competent jurisdiction whether upon verdict after trial, plea of guilty, or nolo contendere plea.

“Pet Seller” – Any individual, person, partnership, firm, corporation or other entity which offers animals for sale or is engaged in the sale, exchange, or other transfer of ownership of animals.

Section 4. Establishing an Animal Abuse Registry

An on-line registry shall be established containing the name, residence information, and a head photo of any individual residing in Albany County who has been convicted of any Animal Abuse Crime. The Albany County Sheriff is hereby authorized to negotiate an agreement (to be executed by the Albany County Executive) with the Mohawk & Hudson River Humane Society (“MHRHS”) to establish and maintain a registry for such individuals in Albany County. The MHRHS shall receive all fees associated with the registration as the cost of maintenance and administration of the registry.

Section 5. Registry Requirements for those with a Conviction of an Animal Abuse Crime

(A) Any individual either sixteen (16) years of age or older who has been convicted of an Animal Abuse Crime on or after the effective date of this Local Law must register with the Albany County Animal Abuse Registry within five (5) days of their release from incarceration or from the date of judgment of conviction.

(B) Each person required to register with the Animal Abuse Registry shall submit:

- (i) their name and any aliases they may be known by;
- (ii) their residence address; and
- (iii) a photograph of the front of their head and shoulders not less than 2” x 3” or a digital image commonly known as a digital photograph of the front of their head and shoulders.

(C) Every person required to register with the Animal Abuse Registry shall update their registry information annually and within ten (10) days of any change of address.

(D) Every person required to register pursuant to this Local Law shall remain on the Animal Abuse Registry for ten (10) years following their release from incarceration or the date the judgment of conviction was rendered, whichever is later. Any currently or previously registered Animal Abuse Offender convicted of a subsequent Animal Abuse Crime shall be placed on the registry for life following the second conviction.

(E) Every person required to register with the Animal Abuse Registry shall pay an annual fee of fifty (\$50) dollars to the Albany County Sheriff's Department. All such fees shall be used to pay the administrative and maintenance costs of maintaining the registry.

(F) The Albany County Sheriff is hereby authorized and empowered to promulgate such rules and regulations as may be necessary to implement the Animal Abuse Registry.

Section 6. Animal Shelters and Pet Sellers Prohibited from Transferring Animal Ownership to Animal Abuse Offenders

No Animal Shelter, Pet Seller, or other person or entity located in Albany County shall sell, exchange or otherwise transfer the ownership of any animal to any person listed as an Animal Abuse Offender on the Animal Abuse Registry. Prior to the sale, exchange, or other transfer of ownership of any animal, the Animal Shelter, Pet Seller, or other person or entity is required to examine the Animal

Abuse Registry to confirm that the name of the potential owner of the animal is not listed.

Section 7. Penalties

(A) Any Animal Abuse Offender required to register with the Animal Abuse Registry who fails to so register shall be guilty of a misdemeanor punishable by incarceration for a period of not more than one (1) year and/or a fine not to exceed one thousand (\$1,000) dollars for each day that the Animal Abuse Offender fails to register. For purposes of this Local Law, each day that the Animal Abuse Offender fails to register after the date set for registering shall be deemed a separate offense.

(B) Any Animal Shelter, Pet Seller or other individual or entity that violates Section 6 of this Local Law shall be guilty of a violation and subject to a fine not to exceed five thousand (\$5,000) dollars. It shall not be a violation of this law if the Animal Shelter, Pet Seller, or other individual or entity checked with the Animal Abuse Registry and the name did not appear thereon.

Section 8. Severability

If any clause, sentence, paragraph, section, subdivision or other part of this Local Law or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or otherwise invalidate the remainder of this Local Law which shall remain in full force and effect except as limited by such order or judgment.

Section 9. Effective Date and Applicability

This local law shall be effective ninety (90) days subsequent to filing in the Office of the Secretary of State and shall apply to all transactions occurring on or after the effective date of this local law.

Referred to Law and Public Safety Committee. 9/12/11

Favorable Recommendation – Law Committee. 9/26/11

Favorable Recommendation – Public Safety Committee. 9/28/11

On roll call vote the following voted in favor: Mr. Aylward, Ms. Benedict, Messrs. Beston, Bullock, Carman, Ms. Chapman, Messrs. Clay, Clenahan, Clouse, Commisso, Ms. Connolly, Messrs. Cotrofeld, Dawson, Domalewicz, Ethier, Gordon, Higgins, Hoblock, Horstmyer, Houghtaling, Joyce, Mss. Lockart, Maffia-Tobler, Messrs. Mayo, McCoy, Ms. McKnight, Messrs. Mendick, Morse, Nichols, Rahm, Reilly, Scavo, Timmins, Tunny and Ward – 35.

Those opposed: – 0.

Local Law was adopted. 10/11/11