

# **Proposed Local Law Number 11 Of 2015**

## **County Of Ulster**

### **A Local Law Establishing The Ulster County Animal Abuse Registry**

**BE IT ENACTED**, by the County Legislature of the County of Ulster, New York, as follows:

#### **SECTION 1. LEGISLATIVE INTENT.**

The Ulster County Legislature hereby finds and determines that animal cruelty is a serious problem, resulting in the abuse and neglect of thousands of animals each year in the United States.

The Ulster County Legislature also finds and determines that while New York State has criminalized the cruel treatment of animals, animal abuse continues to occur in Ulster County and throughout the state.

The Ulster County Legislature also finds 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.<sup>1</sup>

The Ulster County Legislature finds that, statistically, individuals who abuse animals are more likely to commit violent acts against humans.<sup>2</sup>

The Ulster County Legislature also determines that a strong correlation has been established linking individuals who abuse animals with incidents of domestic violence.<sup>3</sup>

The Ulster County Legislature further finds that it is in the best interests of Ulster County residents to establish an animal abuse registry to identify individuals who abuse animals and who, therefore, may be more likely to commit other acts of violence, and to prevent these individuals from adopting, purchasing, or otherwise obtaining animals by adoption, sale, or other means.

Therefore, the purpose of this article is to establish an online registry for individuals residing in Ulster County who are convicted of animal abuse and neglect crimes.

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<sup>1</sup> The Humane Society of the United States, retrieved from [www.humanesociety.org/issues/abuse\\_neglect/facts/hoarding.html](http://www.humanesociety.org/issues/abuse_neglect/facts/hoarding.html).

<sup>2</sup> One study found that 46% of convicted murderers surveyed admitted committing acts of animal torture. Cohen, W. (1996). Congressional Register, 145 (14), Oct. 3.

<sup>3</sup> "Understanding the Link Between Violence to Animals and People: A Guidebook for Criminal Justice Professionals", Allie Phillips, J.D., ASPCA/National District Attorneys Association, June 2014.

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**SECTION 2. DEFINITIONS.**

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

- A. **“Animal Abuse Crime”** shall mean the commission of the following enumerated crimes against an animal:
- a. Animal fighting, as defined in the New York State Agriculture and Markets Law (hereinafter “AML”) § 351;
  - b. Overdriving, torturing, and injuring animals; failure to provide proper sustenance, as defined in AML § 353;
  - c. Aggravated cruelty to animals, as defined in AML § 353-a;
  - d. Electrocution of fur bearing animals, as defined in AML § 353-C;
  - e. Abandonment of animals, as defined in AML § 355;
  - f. Failure to provide proper food and drink to an impounded animal, as defined in AML § 356;
  - g. Poisoning or attempting to poison animals, as defined in AML § 360;
  - h. Interference with or injury to certain domestic animals, as defined in AML § 361;
  - i. Clipping or cutting the ears of dogs, as defined in AML § 365;
  - j. Companion animal stealing, as defined in AML § 366 (3);
  - k. Removing, seizing or transporting dogs for research purposes, as defined in AML § 366-a;
  - l. Operating upon tails of horses, in violation of AML § 368;
  - m. Sexual misconduct with an animal, as defined by New York State Penal Law (hereinafter “PL”) § 130.20(3);
  - n. Harming an animal trained to aid a person with a disability, as defined by PL § 195.11;
  - o. Killing or injuring a police animal, as defined by PL § 195.12;
  - p. Harming a service animal in the second degree, as defined by PL § 242.10
  - q. Harming a service animal in the first degree, as defined by PL § 242.15.
- B. **“Convicted of”** shall mean an adjudication of guilty by any court of competent jurisdiction in Ulster County, whether upon a verdict of guilty or a plea of guilty.

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- C. “**Ulster County Animal Abuse Registry**” shall mean the on-line registry established by this Local Law for registering any person living in Ulster County convicted of an Animal Abuse Crime.

**SECTION 3. CREATION OF REGISTRY.**

A registry is hereby created which shall contain the names and residence information of individuals living in Ulster County who are convicted of an Animal Abuse Crime. The Ulster County District Attorney is hereby authorized and empowered to contract with qualified organizations dedicated to animal protection, rescue and/or preventing animal abuse to establish and maintain a publicly accessible registry for such individuals residing in Ulster County. The selected contractor shall receive all fees associated with the registration as compensation for its maintenance and administration of the registry.

**SECTION 4. REGISTRATION REQUIREMENTS.**

- A. All persons 18 years of age or older who reside in Ulster County and are convicted of an Animal Abuse Crime on or after the effective date of this article must register with the Ulster County Animal Abuse Registry at the office of the Ulster County District Attorney, or the office of his or her authorized agent, within ten (10) days following their release from incarceration or, if not incarcerated, from the date of conviction.
- B. When a person is convicted of an Animal Abuse Crime, the prosecuting agency shall forward to the Ulster County District Attorney’s Office, or his or her authorized agent, 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 Ulster County District Attorney, or his or her authorized agent, that the person is required to register with the Ulster County Animal Abuse Registry. The Ulster County District Attorney, or his or her authorized agent, shall promptly notify all persons convicted of an Animal Abuse Crime in Ulster County that they must register with the Ulster County Animal Abuse Registry within ten (10) days following their release from incarceration or, if not incarcerated, from the date of conviction.

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- C. Each person required to register with the Ulster County Animal Abuse Registry shall submit:
- (1) His or her name;
  - (2) Any aliases he or she is known under;
  - (3) His or her residential address; and
  - (4) A photograph of his or her head and shoulders from the front.
- D. Each person registered with the Ulster County Animal Abuse Registry shall update his or her registration information within ten (10) days of moving from one residential address to another or, if his or her residential address does not change, annually from the date of his or her first registration.
- E. Each person required to register with the Ulster County Animal Abuse Registry shall remain on the Registry for fifteen (15) years following his or her release from incarceration or the date of conviction, whichever is later. Registered persons who are convicted of subsequent Animal Abuse Crimes shall remain on the registry for life following their second conviction.
- F. Upon notification to the Ulster County District Attorney's Office, or his or her authorized agent, of a successful appeal of a conviction of an Animal Abuse Crime by an individual that has been required to register pursuant to this Local Law, the registration information for that individual shall be removed from the Ulster County Animal Abuse Registry within five (5) days following the notification.

**SECTION 5. SHARING OF REGISTRATION INFORMATION.**

- A. The Ulster County District Attorney, or his or her authorized agent, shall make the Animal Abuse Registry available to the Ulster County Child Protective Services and the Department of Social Services, and is authorized to make the Registry available to any state, regional, or national government-operated registry of animal abusers for the purpose of sharing information.
- B. The Ulster County District Attorney, or his or her authorized agent, may accept files from any state, regional, or national registry of animal abusers.

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C. The Ulster County District Attorney, or his or her authorized agent, is authorized to make the registry information available within a reasonable amount of time to any animal registry.

**SECTION 6. FEES.**

Every person required to register with the Animal Abuse Registry shall pay a fee of \$100.00 to the Ulster County District Attorney, or his or her authorized agent, at the time of registration. These funds will be used to pay the administrative costs of maintaining the registry.

**SECTION 7. RULES AND REGULATIONS.**

The Ulster County District Attorney is hereby authorized and empowered to promulgate such rules and regulations as are necessary to implement this article.

**SECTION 8. PENALTIES FOR OFFENSES.**

Any Animal Abuse Offender required to register with the Ulster County Animal Abuse Registry who fails to so register shall be guilty of a violation punishable by a fine of not less than \$100.00 dollars and not more than \$250.00 dollars; or imprisonment for not more than fifteen (15) days; or both.

**SECTION 9. APPLICABILITY.**

This article shall apply to all persons convicted of an Animal Abuse Crime on or after the effective date of this article.

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**SECTION 10. 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 11. EFFECTIVE DATE.**

This article shall take effect on the 90<sup>th</sup> day immediately subsequent to filing in the Office of the Secretary of State.