

**HONORABLE BOARD OF LEGISLATORS
COUNTY OF WESTCHESTER**

Your Committee recommends adoption of “A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 680 establishing a County Registry for Animal Abuse Offenders.”

Your Committee is informed that 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 Westchester County and throughout the State. In the last decade, there have been over one thousand cases where animal abuse was suspected; there have been approximately two hundred convictions on a felony charge, misdemeanor charge, or civil violation relating to animal abuse.

Your Committee is further informed that a correlation between animal abuse, domestic violence, child abuse, and other violent or sexual crimes has been established. Leading child and animal abuse protection professionals have recognized this link, noting that both forms of abuse are connected in a self-perpetuating cycle of violence.

For example, seventy-one percent of pet-owning women entering women’s shelters reported that their batterer had injured, maimed, killed or threatened family pets for revenge or to psychologically control them. Sixty-eight percent reported actual violence toward their animals, with close to ninety percent reporting the violence had occurred in their presence, and seventy-five percent in the presence of a child, in order to psychologically control and coerce them. Approximately forty-eight percent of rapists reported having abused animals as adolescents, thirty percent of child molesters have committed acts of animal abuse, and fifteen percent of active rapists have also raped animals.

In testimony at the Legislation Committee, the Animal Law Committee of the Westchester County Bar Association cited these statistics and gave statements identifying the correlation between animal abuse and other forms of violence and abuse. Other speakers from local animal cruelty prevention organizations, domestic violence prevention organizations, and law enforcement corroborated the link between animal abuse and other forms of abuse, speaking about their personal experiences on the subject. Additionally, the Commissioner of the Department of Social Services agreed that a public animal abuse registry would be useful in helping prevent child abuse.

While a number of states, including New York, in recent years have considered legislation to establish statewide registries of individuals convicted of animal abuse offenses, none have been signed into law thus far. However, Suffolk County, Albany County and Rockland County have all adopted a local law creating such a registry.

Your Committee finds that it is in the best interests of Westchester County residents to establish a similar system. As a publicly-searchable database administered by the Westchester County Department of Public Safety, it would serve to inform the public of a conviction of an animal abuse crime that has occurred in Westchester County. Persons convicted of animal abuse crimes that fail to abide by the requirements of the law would be subject to the penalties as defined in the statute. In addition, the statute prohibits any person required to register with the Animal Abuser Registry from possessing, adopting, owning, purchasing or exercising control over any animal during the period of time that the person is required to be listed on the Registry.

Your Committee notes that the effective date of the proposed local law is 90 days following enactment. The 90 day period is understood to be sufficient time for the Department of Public Services to establish a publicly-searchable database containing the registry.

As you know, this Honorable Board must comply with the requirements of the State Environmental Quality Review Act ("SEQRA") and its implementing regulations, 6 NYCRR Part 617. The proposed local law has been classified by staff as a "Type II" action pursuant these regulations, and, accordingly, no further environmental review is required. Your Committee has reviewed the annexed SEQRA Status Sheet and concurs with this conclusion.

For the above reasons, your Committee recommends the adoption of this local law. An affirmative vote of a majority of the Board of Legislators is required to adopt this local law.

Dated: October 22, 2012
White Plains, New York

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COMMITTEE ON LEGISLATION

LOCAL LAW INTRO NO. 2012 – _____

A LOCAL LAW amending the Laws of Westchester County by adding a new Chapter 680 establishing a County Registry for Animal Abuse Offenders.

BE IT ENACTED by the County Board of the County of Westchester as follows:

Section 1. A new Chapter 680 is hereby added to the Laws of Westchester County to read as follows:

CHAPTER 680

THE ANIMAL ABUSER REGISTRY LAW

- § 680.01. Short title.**
- § 680.02. Legislative intent.**
- § 680.03. Definitions.**
- § 680.04. Creation of animal abuser registry.**
- § 680.05. Requirements.**
- § 680.06. Fees.**
- § 680.07. Promulgation of rules and regulations.**
- § 680.08. Penalties.**
- § 680.09. Applicability.**
- § 680.10. Reverse preemption.**
- § 680.11. Severability.**

Sec. 680.01. Short title.

This chapter law shall be known and may be cited as “The Animal Abuser Registry Law.”

Sec. 680.02. 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 Westchester 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, Albany County and Rockland County have all adopted a local law creating such a registry. The County Board finds that it is in the best interests of Westchester County residents to establish a similar system. Therefore, the purpose of this law is to establish an online registry for individuals residing in Westchester County who are convicted of animal abuse crimes.

Sec. 680.03. Definitions.

Wherever used in this chapter, unless the context or subject matter otherwise requires:

1. ANIMAL ABUSE CRIME shall mean 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; poisoning or attempting to poison animals, as defined in A.M.L. § 360; interference with or injury to certain domestic animals, as defined in A.M.L. §361; sexual misconduct with an animal, as defined in New York State Penal Code § 130.20(3); harming an animal trained to aid a person with a disability in the first degree, as defined in New York State Penal Code § 195.12; harming a service animal in the

second degree, as defined in New York State Penal Code § 242.10; harming a service animal in the first degree, as defined in New York State Penal Code § 242.15.

2. CONVICTED OF shall mean an adjudication of guilt by any court of competent jurisdiction, whether upon a verdict or plea of guilty or nolo contendere.

Sec. 680.04. Creation of animal abuser registry.

The Westchester County Department of Public Safety (the “Department”) is hereby authorized, empowered and directed to establish and maintain an Animal Abuser Registry (the “Registry”) that shall contain the name, photograph, and residence information of each person living in Westchester County who has been convicted of an animal abuse crime. The Registry shall be publicly available on the Internet.

Sec. 680.05. Requirements.

1. All persons eighteen (18) years of age or older who reside in Westchester County and who are convicted of an animal abuse crime on or after the effective date of this law must register with the Registry within the later of ten (10) days of:

- a. their release from incarceration; or,
- b. if not incarcerated, from the date of entry of judgment.

This section shall not apply to youthful offenders or to persons whose convictions or adjudications include sealed records.

2. When a person is convicted of an animal abuse crime in Westchester County, the prosecuting agency shall endeavor to forward to the Department the name and address of the convicted person along with the name of the animal abuse crime of which the person was

convicted. The Department shall promptly notify all persons convicted of an animal abuse crime in Westchester County that they must register with the Registry within the later of ten (10) days of:

- a. their release from incarceration; or,
 - b. if not incarcerated, from the date of the entry of judgment.
3. Each person required to register with the Registry shall submit:
- a. their name;
 - b. any aliases they are known by;
 - c. their residential address; and
 - d. a photograph of their head and shoulders taken from the front.

4. Each person registered with the Registry shall update their registration information annually in January and within ten (10) days of any change of residence in Westchester County.

5. Each person required to register with the Registry shall remain on the Registry for ten (10) years following:

- a. their release from incarceration; or
- b. if not incarcerated, from the date of entry of judgment.

Persons required to register with the Registry shall remain on the registry for life following a second conviction for an animal abuse crime.

6. Each person required to register with the Registry is prohibited from possessing, adopting, owning, purchasing or exercising control over any animal at any time while the person is required to be listed on the Registry.

Sec. 680.06. Fees.

Every person required to register with the Registry shall pay to the Department a fee of fifty dollars (\$50.00):

- a. upon initial registration; and
- b. every January thereafter at the time of their registration update.

These funds will be used to pay the administrative costs of maintaining the Registry.

Sec. 680.07. Promulgation of rules and regulations.

The Commissioner/Sheriff of the Westchester County Department of Public Safety, or his/her designee, is hereby authorized and empowered to promulgate such rules and regulations necessary to implement this law.

Sec. 680.08. Penalties.

1. Any person required to register, or to update his/her registration, with the Registry who fails to do so shall be guilty of a violation punishable by:

- a. a fine of not less than two hundred and fifty dollars (\$250) and not more than one thousand dollars (\$1,000); or
- b. imprisonment for not more than fifteen (15) days; or
- c. both.

2. Any person required to register, or to update his/her registration, with the Registry and who, for a second time within any two (2) year period, fails to do so shall be guilty of a class "A" misdemeanor.

3. Any person required to register with the Registry who possesses, adopts, owns, purchases, or exercises control over any animal at any time while the person is required to be listed on the Registry shall be guilty of a violation punishable by:

a. a fine of not less than two hundred and fifty dollars (\$250) and not more than one thousand dollars (\$1,000); or

b. imprisonment for not more than fifteen (15) days; or

c. both.

4. Any person required to register with the Registry and who, for a second time within any two (2) year period, possesses, adopts, owns, purchases, or exercises control over any animal at any time while the person is required to be listed on the Registry shall be guilty of a class "A" misdemeanor.

Sec. 680.09. Applicability.

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

Sec. 680.10. Reverse preemption.

This chapter shall be null and void on the effective date of any federal or state legislation that incorporates the same or substantially similar provisions as are set forth in this chapter or in the event that any state or federal administrative agency promulgates regulations preempting this chapter. The County Board of Legislators may determine via resolution whether federal or state legislation, or state or federal regulations, have the effect of preempting the provisions of this chapter.

Sec. 680.11. Severability.

If any clause, sentence, paragraph, or section of this chapter shall be held invalid by any court of competent jurisdiction, or the application of this chapter to any person or set of circumstances shall be held invalid, such invalidity or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or operation of this chapter directly involved in the controversy in which the judgment shall have been rendered. To further this end, the provisions of this chapter are hereby declared to be severable.

Section 2. This local law shall take effect ninety (90) days after enactment.

SEQRA STATUS SHEET

PROJECT: Local Law Amending the Laws of Westchester County to Establish a
County Registry for Animal Abuse Offenders

Description

The proposed local law authorizes the establishment of an on-line registry of persons residing in Westchester County that have been convicted of animal abuse crimes. The registry shall be created and maintained by the Westchester County Department of Public Safety. By creating a public database of convicted animal abusers, the registry will inform the public of individuals that have been convicted of committing such crimes. Moreover, the local law can help deter persons from committing animal abuse crimes.

The local law generally requires persons residing in Westchester County who are convicted of animal abuse crimes to register onto the Animal Abuser Registry within 10 days following release from incarceration or from rendering of judgment, if not incarcerated. The local law establishes penalties for animal abuse offenders that do not comply with the law's requirements.

SEQRA Status

Type II. The establishment of a registry of animal abusers and a publicly-searchable database may be classified as a Type II action pursuant to Section 617.5(c)(20), "routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment" and Section 617.5(c)(27), "adoption of regulations, policies, procedures and local legislative decisions in connection with any action on this list". As such, no further environmental review is required at this time.