

AMENDMENT IN THE NATURE OF A SUBSTITUTION – Clerk Item No. 149-14

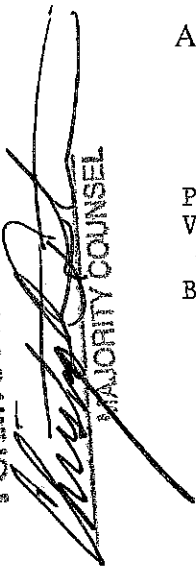
Introduced by: Presiding Officer Norma L. Gonsalves, Deputy Presiding Officer Richard J. Nicoletto, Alternate Deputy Presiding Officer Howard J. Kopel, Minority Leader Kevan Abrahams, and Legislators Siela A. Bynoe, Carrie Solages, Denise Ford, Laura Curran, Francis X. Becker, Jr., Vincent T. Muscarella, Ellen W. Birnbaum, Delia DeRiggi-Whitton, Michael Venditto, Laura Schaefer, Dennis Dunne, Sr., Judy Jacobs, Rose Marie Walker, Donald MacKenzie, and David Denenberg

LOCAL LAW NO. 4-2014

A LOCAL LAW ESTABLISHING AN ANIMAL ABUSE REGISTRY AND REQUIREMENTS AND PROHIBITIONS RELATED THERETO.

Passed by the Nassau County Legislature on May 19, 2014
Voting: ayes: 16 nays: 0 abstained: 0

Became a law on May 21, 2014 with the approval of the County Executive.

FORM APPROVED

MAJORITY COUNSEL

BE IT ENACTED by the County Legislature of the County of Nassau, as follows:

§1. Short Title. This law shall be known as the “Animal Abuse Registry Law” and shall appear as Title 78 of the Miscellaneous Laws of Nassau County.

§2. Legislative Intent. This Legislature hereby finds that animal cruelty is a serious problem, resulting in the abuse of thousands of animals each year throughout the United States.

This Legislature further finds that while New York State has statutorily criminalized animal abuse, it nevertheless occurs throughout Nassau County and New York State.

This Legislature further finds that statistically, individuals who abuse animals are more likely to commit violent acts against humans than individuals who do not abuse animals.

This Legislature further finds that a strong correlation has been established linking individuals who abuse animals with incidents of domestic violence.

This Legislature further finds that as of 2013, four New York State counties had created animal abuse registries: Suffolk County, Albany County, Westchester County and Rockland County. New York City recently passed an animal abuse registry bill in February of 2014, and several states have legislation currently pending to establish statewide registries of individuals convicted of animal abuse offenses.

This Legislature further finds that it is in the best interests of Nassau County residents to establish a similar system.

This Legislature further finds that individuals who are listed on such a registry should not be eligible to purchase or adopt any animal in Nassau County, as there is a high rate of recidivism amongst individuals who commit animal abuse.

Therefore, the purpose of this local law is to establish an online registry for individuals residing in Nassau County who are convicted of Animal Abuse Crimes, to require individuals seeking to purchase or adopt animals to present photographic identification prior to purchase or adoption, and to prohibit pet stores, pet dealers, breeders, and animal shelters from making sales or allowing adoptions of animals to individuals appearing on the Animal Abuse Registry.

§3. Definitions. As used in this title:

- a. Animal: Any live mammal, bird, or reptile, but shall not include feeder animals.
- b. 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; electrocution of fur-bearing animals, as defined in A.M.L. §353-c; abandonment of animals, as defined in A.M.L. § 355; failure to provide proper food and drink to an 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 (hereinafter "N.Y.S.") Penal Law § 130.20(3); harming an animal trained to aid a person with a disability in the first degree, as defined in N.Y.S. Penal Law §195.12; harming a service animal in the first degree, as defined in N.Y.S. Penal Code §242.15; harming a service animal in the second degree, as defined by N.Y.S. Penal Code §242.10; or an offense in any other jurisdiction which includes all of the essential elements of any such crime provided for in this subdivision.

- c. Convicted of: An adjudication of guilt by any court of competent jurisdiction, whether upon a verdict or plea of guilty or nolo contendere.
- d. Animal Shelter: Any public or privately owned organization in Nassau County which maintains property, buildings or structures for the purpose of harboring animals which may be stray, unwanted, lost, abandoned, or abused and seeks to find appropriate permanent homes for such animals. For the purpose of this article, the term "animal shelter" shall not apply to a facility commonly known as a "boarding kennel," where the ownership of the animal is not transferred; a facility commonly known as a "pet store," where animals are offered for sale as all or part of a business; an animal hospital owned, operated or supervised by a licensed veterinarian; or a facility where the owner or operator is licensed by the New York State Department of Environmental Conservation as a nuisance wildlife control agent or wildlife rehabilitator.
- e. Breeder: Any person who breeds nine or more animals per year.
- f. Person: Any natural individual.
- g. Pet Dealer: Any individual, firm, partnership, corporation, company or other entity who or which sells or offers for sale more than nine animals in any given calendar year. This definition shall include pet stores, as defined in this article, and breeders who sell or offer to sell directly to the consumer animals born and raised on the breeder's residential premises.
- h. Pet Store: Any facility of an individual, firm, partnership, corporation, company or other entity who or which offers animals for sale as all or part of a business.

§4. Creation of the Animal Abuse Registry

A registry is hereby created which shall contain the names and residence information of individuals living in Nassau County who are convicted of an Animal Abuse Crime. The Commissioner of the Nassau County Police Department is hereby authorized, empowered and directed to contract with the Nassau County Society for the Prevention of Cruelty to Animals (NCSPCA) to establish and maintain this registry for individuals residing in Nassau County, which includes allowing concerned members of the public to sign up for email notifications on updates and additions to the Animal Abuse Registry. The NCSPCA shall receive all fees associated with the registration as compensation for their maintenance and administration of the registry, and shall update the registry on a quarterly basis.

§5. Requirements

- a. All persons eighteen (18) years of age or older who reside in Nassau County and are convicted of an Animal Abuse Crime on or after the effective date of this local law must register with the Nassau County Animal Abuse Registry at the Nassau County Police Department, at a location determined by the Commissioner, within five (5) days following the effective date of this article or their release from incarceration or, if not incarcerated, from the date of the rendering of judgment.
- b. Each person required to register with the Animal Abuse Registry shall submit:
 - i. His or her name;
 - ii. Any aliases he or she is known under;
 - iii. His or her residential address, and
 - iv. A photograph of his or her head and shoulders from the front.
- c. Each person registered with the Animal Abuse Registry shall update his or her registration information at the Nassau County Police Department, at a location determined by the Commissioner, each time he or she moves 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.
- d. Any person eighteen (18) years of age or older convicted of an animal abuse crime on or after the effective date of this local law that establishes residency in Nassau County must register with the Nassau County Animal Abuse Registry, at the Nassau County Police Department, at a location determined by the Commissioner, five (5) days following the date such residency is established.
- e. Each person required to register with Nassau County shall remain on the Animal Abuse Registry for five (5) years following his or her release from incarceration or the date judgment was rendered, whichever is later. Registered individuals who are convicted of subsequent Animal Abuse Crimes shall remain on the registry for ten (10) years following their most recent conviction. Upon notification to the Nassau County Police Department 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 Nassau County Animal Abuse Registry within five (5) days following the notification.
- a. Any person, including persons registered with the Animal Abuse Registry, seeking to purchase or adopt an animal in Nassau County shall provide an Animal Shelter or Pet Dealer with photographic identification prior to purchase, and any Animal Shelter or Pet Dealer operating in Nassau County shall check the name and likeness of any person seeking to purchase or adopt an animal against the Animal Abuse Registry.

§6. Prohibitions

- a. No Animal Shelter or Pet Dealer operating in Nassau County shall knowingly sell, offer, deliver or provide an animal to any person registered on the Nassau County Animal Abuse Registry.

§7. Sharing of Registration Information

- a. The Nassau County Police Department shall make the Animal Abuse Registry available to the Nassau 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 NCSPCA may accept files from any state, regional or national registry of animal abusers.
- c. The NCSPCA is authorized to make the registry information available within a reasonable amount of time to any animal registry.

§8. Fees

Every person required to register with the Animal Abuse Registry must pay an annual fee of one hundred dollars (\$100.00) to the Nassau County Police Department. These funds will be used to pay the administrative costs of maintaining the registry.

§9. Rules and Regulations.

The Commissioner of the Nassau County Police Department is hereby authorized and empowered to promulgate such rules and regulations as are necessary to implement this article.

§10. Penalties

- a. Any individual required to register with the Animal Abuse Registry who fails to do so shall be charged with a Class A misdemeanor and shall be punished by incarceration in a correctional facility for not more than one (1) year and/or a fine of up to one thousand (\$1,000) dollars.
- b. Any Animal Shelter or Pet Dealer who violates this article shall be guilty of a violation and subject to a maximum fine of \$500 for any first offense. A second violation of this article shall be a violation and subject to a maximum fine of \$1,000. A third or subsequent violation of this article shall be a violation and subject to a maximum fine of \$1,500.

§11. Applicability

This law shall apply to all persons convicted of Animal Abuse Crimes on or after the effective date of this law.

§12. Severability

If any clause, sentence, paragraph, subdivision, section or part of this local 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 order or judgment shall be rendered.

§13. SEQRA Determination

It is hereby determined by the Nassau County Legislature, the lead agency, and pursuant to the provisions of the State Environmental Quality Review Act ("SEQRA"), 8 NYECL section 0101 et seq. and its implementing regulations, Part 617 of 6 NYCRR, and Section 1611 of the County Government Law of Nassau County, that this Local Law will not have a significant impact on the environment and that no further environmental review or action is required.

§14. Effective Date:

This law shall take effect immediately after becoming a law.

APPROVED



County Executive

DATE

May 21, 2014