

Introductory Local Law Number 3 Of 2011

County Of Ulster

A Local Law Of The County Of Ulster, New York Protecting Domestic Animals From Abuse By Establishing A Registry For Domestic Animal Abusers

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

Section 1. Title

This Local Law shall be known as the “Domestic Animal Abuse Registry Law.”

Section 2. Legislative Findings

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

The Legislature further finds and determines that people who have abused domestic 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 domestic animal hoarding.

The Legislature further finds and determines that individuals who abuse domestic 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 domestic animals with incidents of domestic violence.

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

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Section 3. Definitions

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

“Domestic 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 Domestic Animal in **violation of PL §242.10 and PL §242.15;**
- (d) Killing or injuring a police animal in **violation of PL §195.06;** and
- (e) Harming an animal trained to aid a person with a disability in **violation of PL §195.12.**

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

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

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

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Section 4. Establishing an Domestic Animal Abuse Registry

An on-line registry shall be established containing the name, residence information, and a head photo of any individual residing in Ulster County who has been convicted of any Domestic Animal Abuse Crime. The Ulster County Sheriff shall establish and maintain a registry for such individuals in Ulster County. The Ulster County Sheriff 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 a Domestic Animal Abuse Crime

(A) Any individual either (i) at sixteen (16) years of age or older who has been convicted of a Domestic Animal Abuse Crime on or after the effective date of this Local Law must register with the Ulster County Domestic 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 Domestic 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 Domestic 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 Domestic 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 Domestic Animal Abuse Offender convicted of a

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subsequent Domestic Animal Abuse Crime shall be placed on the registry for life following the second conviction.

(E) Every person required to register with the Domestic Animal Abuse Registry shall pay an annual fee of one hundred (\$100.00) dollars to the Ulster County Sheriff. **The annual fee shall be split equally between the Ulster County Sheriff, the Ulster County SPCA and the Ulster County District Attorney.** All such fees shall be used to pay the administrative and maintenance costs of maintaining the registry.

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

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

No Domestic Animal Shelter, Pet Seller, or other person or entity located in Ulster County shall sell, exchange or otherwise transfer the ownership of any Domestic Animal to any person listed as an Domestic Animal Abuse Offender on the Domestic Animal Abuse Registry. Prior to the sale, exchange, or other transfer of ownership of any Domestic Animal, the Domestic Animal Shelter, Pet Seller, or other person or entity is required to examine the Domestic Animal Abuse Registry to confirm that the name of the potential owner of the Domestic Animal is not listed.

Section 7. Penalties

(A) Any Domestic Animal Abuse Offender required to register with the Domestic 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 \$1,000.00 for each day that the Domestic Animal Abuse Offender fails to register. For purposed of this Local Law, each day that the Domestic Animal Abuse Offender fails to register after the date set for registering shall be deemed a separate offense.

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(B) Any Domestic 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 of two thousand five hundred (\$2,500.00) dollars. It shall not be a violation of this law if the Domestic Animal Shelter, Pet Seller, or other individual or entity checked with the Domestic 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.