

LOCAL LAW 9-18
CHAUTAUQUA COUNTY

A LOCAL LAW AUTHORIZING THE CREATION
OF AN ANIMAL ABUSE REGISTRY

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

Section 1. Legislative Findings.

Animal cruelty is a serious problem resulting in the abuse of many 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 Chautauqua County and throughout New York State. Studies show that people who have abused animals in the past are likely to do so in the future and that there is a near 100% recidivism rate for certain types of abuse such as animal hoarding. It has also been documented that individuals who abuse animals are statistically more likely to commit violent acts against humans and there has been a strong correlation established linking individuals who abuse animals with incidents of domestic violence. Animals in need of homes need to be protected from potential abusers. The Chautauqua County Legislature further finds and determines that it is in the best interest of the residents of Chautauqua County and their animals that an online registry be established identifying individuals residing in Chautauqua 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 2. 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 of the following provisions of the NYS Agriculture Markets Law (AML) Article 26:

- Section 351 Prohibition of animal fighting
- Section 353 Overdriving, torturing and injuring animals; failure to provide proper sustenance
- Section 353-A Aggravated cruelty to animals
- Section 355 Abandonment of animals
- Section 356 Failure to provide proper food and drink to impounded animals
- Section 359 Carrying animal in a cruel manner
- Section 360 Poisoning or attempting to poison animals
- Section 361 Interference with or injury to certain domestic animals
- Section 362 Throwing substance injurious to animals in public place

Section 365 Clipping or cutting the ears of dogs

Section 366 Companion animal stealing

Section 366-A Removing, seizing or transporting dogs for research purposes

(b) Sexual misconduct with an animal in violation of NYS Penal Law (PL) §130.20(a)

(c) Harming a service animal in violation of NYS PL §242.10 and NYS PL §242.15

(d) Killing or injuring a police animal in violation of NYS PL §195.06

(e) Harming an animal trained to aid a person with a disability in violation of NYS PL §195.12

"Animal" - Any living mammal (except a human being), bird, reptile, amphibian or fish.

"Animal Abuse Offender" - Any person eighteen (18) years of age or older, convicted of an Animal Abuse Crime, except youthful offenders whose convictions or adjudications include sealed records.

"Animal Abuser Registry" - The online registry established by this Local Law for registering any person residing in Chautauqua 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.

"Farm Animal" - An animal used in the production of human or animal food, feed or fiber.

"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.

"Service Animal" - Any dog or miniature horse that has been individually trained to do work or perform tasks for people with disabilities as defined under the ADA (Americans with Disabilities Act).

Section 3. Establishing an Animal Abuser Registry.

The Chautauqua County Sheriff, or his/her designee, is hereby authorized, empowered

and directed to establish an online Animal Abuser Registry that shall contain the names and residence information of all available Animal Abuse Offenders living in Chautauqua County who are convicted of an animal abuse crime on or after the effective date of this law. The online Registry will be maintained by the Office of the Chautauqua County Sheriff and shall be listed on the Chautauqua County official website within the Office of the Chautauqua County Sheriff's webpage. The online Animal Abuser Registry shall also contain links to other county Animal Abuser Registries that are available, or as they become available in the future, in the State of New York, with such other county registries to be used as informational resources by Animal Shelters, Pet Sellers or other persons or entities located in Chautauqua County when they shall sell, exchange or otherwise transfer the ownership of any animal. The Registry shall contain the required information about each Animal Abuse Offender for a period of fifteen (15) years following his or her release from incarceration or, if not incarcerated, from the date of the judgment of conviction. Any currently or previously registered Animal Abuse Officer convicted of a subsequent Animal Abuse Crime shall be placed on the Animal Abuser Registry for life following the second conviction. Upon notification to the Office of the Chautauqua County Sheriff 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 Chautauqua County Animal Abuse Registry within five (5) days following the notification.

Section 4. Registry Requirements.

- (a) All Animal Abuse Offenders who reside in Chautauqua County and who are convicted of an Animal Abuse Crime on or after the effective date of this article must register with the Chautauqua County Animal Abuser Registry within five (5) days of their release from incarceration or, if not incarcerated, from the date of the rendering of judgment.
- (b) When a person is convicted of an Animal Abuse Crime, the prosecuting agency shall forward to the Office of the Chautauqua County Sheriff 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 Office of the Chautauqua County Sheriff that the person is required to register with the Animal Abuser Registry.
- (c) Each person required to register with the Animal Abuser Registry shall submit to the Office of the Chautauqua County Sheriff:
 - i) Their name and any aliases they may be known by;
 - ii) Their residence address;
 - iii) Their date of birth; and
 - iv) A photograph of the front of their head and shoulders not less than 2" by 3" or a digital image commonly known as a digital photograph of the front of their head and shoulders.
- (d) Every person required to register with the Animal Abuser Registry shall update their registry information within five (5) days of any change of residential address and/or upon any official change of name.

(e) Every person required to register with the Animal Abuser Registry shall pay a fee of one hundred twenty-five dollars (\$125.00) to the Office of the Chautauqua County Sheriff at the time of registration. All such fees shall be used to help pay the administrative and maintenance costs of maintaining the Registry.

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

Section 5. Prohibited Acts and Required Registry Checks.

(a) No Animal Shelter, Pet Seller, or other person or entity located in Chautauqua County shall sell, exchange or otherwise transfer the ownership of any animal to any person having resided in Chautauqua County and listed as an Animal Abuse Offender on the Animal Abuser Registry.

(b) No Animal Abuse Offender shall possess, own, adopt or purchase an animal.

(c) 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 Abuser Registry to confirm that the name of the potential owner of the animal is not listed.

(d) This section shall not apply to Farm Animals, nor to Service Animals for people with disabilities.

Section 6. 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 two thousand dollars (\$2,000.00).

(b) Any Animal Abuse Offender who violates the prohibition against possessing, owning, adopting or purchasing an animal, except for Farm Animals and Service Animals for people with disabilities, 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 five thousand dollars (\$5,000.00).

(c) Any Animal Shelter, Pet Seller or other individual or entity that violates Section 5 of this Local Law shall be guilty of a violation and subject to a fine not to exceed five thousand dollars (\$5,000.00). It shall not be a violation of this law if the Animal Shelter, Pet Seller, or other individual or entity checked with the Chautauqua County Animal Abuser Registry and the name did not appear thereon.

Section 7. Severability.

If any provision, clause, sentence, or paragraph of this Local Law or the application thereof to any person or circumstance shall be held invalid, such invalidity shall not affect the other provisions of this Local Law which can be given effect without the valid provision or application, and to this end the provisions of this Local Law are declared to be severable.

Section 8. Effective Date.

This Local Law shall take effect upon filing with the Secretary of State.

Adopted by Legislature: 4/25/18

Public Hearing by County Executive: 5/14/18

Adopted as LL 9-18

R/C Vote: 19 Yes

Date State Filed: 5/16/18