

Intro. Res. No. 1879-2010

Laid on Table 8/17/2010

Introduced by Legislators Cooper, Romaine, Muratore, Kennedy, and Nowick

**RESOLUTION NO. 917 -2010, ADOPTING LOCAL LAW
NO. 55 -2010, A LOCAL LAW ESTABLISHING A COUNTY
REGISTRY FOR ANIMAL ABUSE OFFENDERS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on August 17, 2010, a proposed local law entitled, "**A LOCAL LAW ESTABLISHING A COUNTY REGISTRY FOR ANIMAL ABUSE OFFENDERS**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 55 -2010, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW ESTABLISHING A COUNTY REGISTRY FOR
ANIMAL ABUSE OFFENDERS**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

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

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

This Legislature finds that statistically, individuals who abuse animals are more likely to commit violent acts against humans.

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

This Legislature also finds that legislation is currently pending before the State legislatures of California and Tennessee to establish statewide registries of individuals convicted of animal abuse offenses.

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

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

Section 2. Definitions.

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

“ANIMAL ABUSE CRIME” shall be defined as 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; interference with or injury to certain domestic animals, as defined in A.M.L. §361; harming a service animal in the first degree, as defined in New York State Penal Code §242.15.

“CONVICTED OF” shall be defined as an adjudication of guilt by any court of competent jurisdiction, whether upon a verdict or plea of guilty or nolo contendere.

Section 3. Creation of Animal Abuse Registry.

A registry is hereby created which shall contain the names and residence information of individuals living in Suffolk County who are convicted of an animal abuse crime. The Commissioner of the Suffolk County Police Department is hereby authorized, empowered and directed to contract with the Suffolk County Society for the Prevention of Cruelty to Animals (SCSPCA) to establish and maintain a registry for such individuals residing in Suffolk County. The SCSPCA shall receive all fees associated with the registration as compensation for their maintenance and administration of the registry.

Section 4. Requirements.

- A) All persons eighteen (18) years of age or older who reside in Suffolk County and are convicted of an animal abuse crime on or after the effective date of this law must register with the Suffolk County Animal Abuse Registry within five (5) days following the effective date of this law 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:
 - a. Their name,
 - b. Any aliases they are known under,
 - c. Their residential address, and
 - d. A photograph of their head and shoulders from the front.
- C) Each person registered with the Animal Abuse Registry shall update their registration information each time they move from one residential address to another or, if their residential address does not change, annually from the date of their first registration.
- D) Each person required to register with Suffolk County shall remain on the Animal Abuse Registry for five (5) years following their release from incarceration or the date judgment was rendered, whichever is later. Registered persons who are convicted of subsequent animal abuse crimes shall remain on the registry for five (5) years following their most recent conviction.

Section 5. Fees.

Every person required to register with the Animal Abuse Registry must pay an annual fee of fifty dollars (\$50.00) to the Suffolk County Police Department. These funds will be used to pay the administrative costs of maintaining the Registry.

Section 6. Promulgation of Rules and Regulations.

The Commissioner of the Suffolk County Police Department is hereby authorized and empowered to promulgate such rules and regulations necessary to implement this law.

Section 7. Penalties.

Any person 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 dollars (\$1,000.00).

Section 8. Applicability.

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

Section 9. Severability.

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

Section 10. SEQRA Determination.

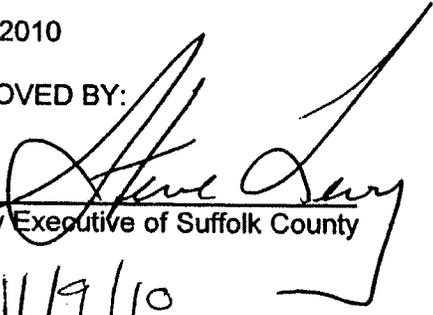
This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 10. Effective Date.

This law shall take effect on the one hundred eightieth (180th) day immediately subsequent to filing in the Office of the Secretary of State.

DATED: October 12, 2010

APPROVED BY:


County Executive of Suffolk County

Date: 11/9/10

After a public hearing duly held on October 26, 2010
Filed with the Secretary of State on November 24, 2010

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on October 12, 2010 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

Tim Laube

Clerk of the Legislature

Intro. Res. 1879 Res. No. 917

October 12, 2010

Motion:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
 Romaine, Schneiderman, Browning, Muratore, Losquadro
 Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R	
1	Edward P. ROMAINE	/					
2	Jay H. SCHNEIDERMAN						
3	Kate M. BROWNING						
4	Thomas MURATORE						
6	Daniel P. LOSQUADRO						
7	Jack EDDINGTON						
9	Ricardo MONTANO						
10	Thomas CILMI						
11	Thomas F. BARRAGA						
12	John M. KENNEDY, JR.						
13	Lynne C. NOWICK						
14	Wayne R. HORSLEY						
15	DuWayne GREGORY						
16	Steven H. STERN						
17	Lou D'AMARO						
18	Jon COOPER						
5	Vivian VILORIA-FISHER, D.P.O.		✓				
8	William J. LINDSAY, P.O.		✓				
	Totals	18					

MOTION
<input checked="" type="checkbox"/> Approve
Table: _____
Send To Committee _____
Table Subject To Call _____
Lay On The Table _____
Discharge _____
Take Out of Order _____
Reconsider _____
Waive Rule _____
Override Veto _____
Close _____
Recess _____
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
<input type="checkbox"/> NOT ADOPTED

Tim Laube

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote