

ORANGE COUNTY LEGISLATURE

LOCAL LAW NO. 2 OF 2015

A LOCAL LAW OF THE COUNTY OF ORANGE, NEW YORK, TO BE KNOWN AS "ROCKY'S LAW", PROTECTING ANIMALS FROM ABUSE BY ESTABLISHING A REGISTRY FOR ANIMAL ABUSERS

BE IT ENACTED by the Orange County Legislature as follows:

Section 1. Title.

This Local Law shall be known as "Rocky's Law", and also as the "Animal Abuser Registry Law."

Section 2. Legislative Findings.

The Legislature finds and determines that 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 Orange County and throughout New York State.

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

The Legislature further finds and determines that individuals who abuse 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 animals with incidents of domestic violence¹.

The Legislature further finds and determines that animals in need of homes need to be protected from potential abusers².

1:
"Animal Hoarding: Slipping into the Darkness", Jane Nathanson, Tufts University, 2009.

2:
"The Link: Cruelty to Animals and Violence Towards People", Cynthia Hodges, Michigan State University, 2008.

The Legislature further finds and determines that it is in the best interest of the residents of Orange County and their animals that an online registry be established identifying individuals residing in Orange 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 3. 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 – 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 animal

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 PL §242.10 and PL §242.15

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

(e) Harming an animal trained to aid a person with a disability in violation of 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 on-line registry established by this Local Law for registering any person residing in Orange 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 contender 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 4. Establishing an Animal Abuser Registry.

The Orange County Sheriff, or his/her designee, is hereby authorized, empowered and directed to establish an on-line Animal Abuser Registry that shall contain the names and residence information of all available Animal Abuse Offenders living in Orange County who are convicted of an animal abuse crime on or after the effective date of this law. The on-line Registry will be maintained by the Orange County Sheriff's Office and shall be listed on the Orange County official website within an Orange County Sheriff's Office web page. The on-line 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 Orange 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 Offender 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 Orange County Sheriff's Office 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 Orange County Animal Abuser Registry within five (5) days following the notification.

Section 5. Registry Requirements.

(A) All Animal Abuse Offenders who reside in Orange County and who are convicted of an Animal Abuse Crime on or after the effective date of this article must register with the Orange 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 Sheriff's Office 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 Sheriff's Office 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 Orange County Sheriff's Office:

- (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" x 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 (\$125) dollars to the Orange County Sheriff's Office 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 Orange County Sheriff is hereby authorized and empowered to promulgate such rules and regulations as may be necessary to implement the Animal Abuser Registry.

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

No Animal Shelter, Pet Seller, or other person or entity located in Orange County shall sell, exchange or otherwise transfer the ownership of any animal to any person having resided in Orange County and listed as an Animal Abuse Offender on the Animal Abuser Registry, nor shall such Animal Abuse Offender be allowed to retain possession of any currently owned animals. 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.

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

Section 7. Penalties.

(A) Any Animal Abuse Offender required to register with the Animal Abuser 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 (\$2,000) dollars.

(B) Any Animal Abuse Offender who violates the prohibition against possessing, owning, adopting, or purchasing an animal – except for Farm Animals for farmers, 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 (\$5,000) dollars.

(C) Any 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 not to exceed five thousand (\$5,000) dollars. It shall not be a violation of this law if the Animal Shelter, Pet Seller, or other individual or entity checked with the Orange County Animal Abuser 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.

This Local Law shall take effect as provided by the New York State Municipal Home Rule Law and upon completion of the requisite filings and procedures.

ENACTED BY THE FOLLOWING VOTE:

Ayes 21; Noes 0

Filed with the Secretary of State: June 16, 2015

Effective: June 16, 2015

STATE OF NEW YORK
COUNTY OF ORANGE
OFFICE OF THE CLERK OF
THE COUNTY LEGISLATURE

THIS IS TO CERTIFY THAT I, Jean M. Ramppen, Clerk of the County Legislature of said County of Orange, have compared the foregoing copy of Local Law with the original thereof now on file in my office and which was passed by the County Legislature of said County of Orange on the 7th day of May, 2015, 21 votes being in favor of said Local Law and 0 votes being against the same, and that the same is a correct and true transcript of such original Local Law and the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of said County Legislature this 23rd day of June, 2015.


CLERK OF THE COUNTY LEGISLATURE OF THE COUNTY OF ORANGE