

**LOCAL LAWS
OF
THE CITY OF NEW YORK
FOR THE YEAR 2014**

No. 4

Introduced by Council Members Vallone, Gentile, Crowley, Arroyo, Brewer, Fidler, James, Koo, Mark-Viverito, Nelson, Rose, Vacca, Williams, Rodriguez, Gonzalez, Koppell, Mendez, Lander, Gennaro, Halloran, Ulrich and Lappin.

A LOCAL LAW

To amend the administrative code of the city of New York, in relation to creating an animal abuse registry.

Be it enacted by the Council as follows:

Section 1. Legislative Findings. The Council finds that animal cruelty is a serious problem in New York City. Although New York State criminalizes cruelty to animals, animals in New York City continue to be subject to abusive behavior. In recent years, several states and municipalities have considered creating animal abuse registries to track people convicted of animal cruelty. As of 2013, four New York State counties had created animal abuse registries. The Council finds that creating a registry of those convicted of animal cruelty will aide those involved in the sale or adoption of animals to ensure that an animal will not be placed with a person with a record of animal abuse.

§ 2. Title 17 of the administrative code of the city of New York is amended by adding a new chapter 16 to read as follows:

Chapter 16

Animal Abuse Registration Act

§17-1601 Definitions.

§17-1602 Creation of an animal abuse registry.

§17-1603 Animal abuse registration requirements.

§17-1604 Prohibition on ownership of animals.

§17-1605 Requirements of animal shelters.

§17-1606 Rules and Regulations.

§17-1607 Penalties.

§17-1608 Applicability.

§17-1601 Definitions. *For the purposes of this chapter, the following terms shall have the following meanings:*

a. "Animal abuse crime" shall mean any of the following:

1. animal fighting, as defined in section three hundred fifty-one of the agriculture and markets law;

2. overdriving, torturing or injuring animals; failure to provide proper sustenance, as defined in section three hundred fifty-three of the agriculture and markets law;

3. aggravated cruelty to animals, as defined in section three hundred fifty-three-a of the agriculture and markets law;

4. electrocution of fur-bearing animals, as defined in section three hundred fifty-three-c of the agriculture and markets law;

5. abandonment of animals, as defined in section three hundred fifty-five of the agriculture and markets law;

6. failure to provide proper food and drink to an impounded animal, as defined in section three hundred fifty-six of the agriculture and markets law;

7. poisoning or attempting to poison animals, as defined in section three hundred sixty of the agriculture and markets law;

8. interference with or injury to certain domestic animals, as defined in section three hundred sixty-one of the agriculture and markets law;

9. harming a service animal in the first degree, as defined in section 242.15 of the penal

code; or

10. an offense in any other jurisdiction which includes all of the essential elements of any such crime provided for in paragraph one, two, three, four, five, six, seven, eight, or nine of this subdivision.

b. "Animal shelter" shall mean any full service shelter, as defined in subdivision d of section 17-802 of this code, or other facility that makes dogs and cats available for adoption whether or not a fee for such adoption is charged.

c. "Animal rescue" shall mean a not-for-profit organization duly incorporated in the state of New York that accepts unwanted dogs or cats from an animal shelter or other place and attempts to find homes for, and promote adoption of, such animals by the general public.

d. "Authorized entity" shall mean any of the following: a humane society duly incorporated in the state of New York, a society for the prevention of cruelty to animals duly incorporated in the state of New York, a dog or cat protective associations duly incorporated in the state of New York, an animal control officer, a pet shop, a veterinarian, an animal rescue, or an animal shelter operating in the city of New York.

e. "Commissioner" shall mean the commissioner of the agency designated to implement the provisions of this chapter pursuant to subdivision a of section 17-1602 of this chapter.

f. "Convicted of" shall mean an adjudication of guilt by any court of competent jurisdiction, whether upon a verdict or plea of guilty or nolo contendere.

g. "Department" shall mean the agency designated to implement the provisions of this chapter pursuant to subdivision a of section 17-1602 of this chapter, notwithstanding any inconsistent provisions of this title.

h. "Registrant" shall mean a person required to register with the department pursuant to

this chapter.

i. “Pet shop” shall mean a facility required to have a permit issued pursuant to subdivision (a) of section 161.09 of the New York city health code, where dogs and/or cats are sold, exchanged, bartered, or offered for sale as pet animals to the general public at retail for profit.

§17-1602 Creation of animal abuse registry. *a. The mayor or his designee shall designate an agency to implement the provisions of this chapter and shall report such designation to the speaker of the council.*

b. The department shall create, manage and maintain an electronic registry of individuals living in the city of New York who have been convicted of an animal abuse crime and who have registered with the department pursuant to this chapter.

c. The information maintained in the registry created pursuant to this section shall only be made available to law enforcement agencies, district attorneys or when otherwise required by law, and shall otherwise be kept confidential, provided, however, that the department shall grant authorized entities the password-protected ability to electronically query the registry using a person’s name, driver’s license or non-driver photo ID card number, or other identifying information determined by the commissioner, and to receive in response to such query electronic notice of whether such person is prohibited from owning an animal under section 17-1604 of this chapter.

§17-1603 Animal abuse registration requirements. *a. Any person eighteen years of age or older who resides in the city of New York and has been convicted of an animal abuse crime on or after the effective date of the local law that added this chapter shall personally appear before the department at a location determined by the commissioner to register, provided, however, no person shall be required to appear before the department to register pending resolution of an*

appeal of such conviction.

1. Such person shall appear and register within five days following such person's release from incarceration or if such person was not incarcerated within five days from the date of such person's sentencing.

2. Notwithstanding the foregoing, a person convicted of an animal abuse crime on or after the effective date of the local law that added this chapter who establishes residency in the city of New York following such person's release from incarceration or if such person was not incarcerated following such person's sentencing, must, within five days of establishing such residency, personally appear before the department at a location determined by the commissioner to register.

b. The department shall photograph the registrant at the time of registration.

c. Any person required to register pursuant to this chapter shall submit to the department the following:

1. The registrant's name, all aliases used, date of birth, sex, complexion, race or ethnicity, height, weight, eye color, number of any driver's license or non-driver photo ID card, home address and/or expected place of residence.

2. A description of the offense for which the registrant was convicted, the date of conviction and the sentence imposed.

3. Any other documentation as the commissioner deems acceptable to verify the information provided by the registrant.

d. Within twenty days of each one year anniversary of the registrant's initial registration date for so long as such registrant remains on the animal abuse registry pursuant to subdivision f of this section, such registrant shall personally appear at a location designated by the

commissioner. At such appearance the department shall photograph the registrant and verify the continuing accuracy of the information provided by the registrant pursuant to subdivision c of this section.

e. Within five days of any change in any of the information provided by a registrant pursuant to subdivision c of this section, such registrant shall personally appear before the department to submit updated information for the registry.

f. Each registrant shall remain on the animal abuse registry for five years following his or her release from incarceration or the date sentencing was rendered, whichever is later, provided, however, that registrants who are convicted of any subsequent animal abuse crime shall remain on the animal abuse registry for ten years following the date of their most recent conviction.

§17-1604 Prohibition on contact with animals. a. A person who is registered or required to register pursuant to section 17-1603 shall not own, possess, reside with, have custody of, or intentionally engage in any physical contact with any animal.

§17-1605 Prohibition of transfers of animals to animal abusers. a. Prior to the exchange or transfer of ownership of any animal in the care of an authorized entity operating in the city of New York, an employee or volunteer of such entity shall consult the animal abuse registry to determine whether the person seeking ownership of such animal is listed on the animal abuse registry.

b. No entity required to consult the animal abuse registry shall exchange or transfer the ownership of any animal to any person listed on the animal abuse registry.

§17-1606 Rules. The commissioner may promulgate rules necessary for the implementation of this chapter.

§17-1607 Penalties. a. Any person found in violation of section 17-1603 or 17-1604 or any

rules promulgated thereunder shall be guilty of a misdemeanor punishable by incarceration for not more than one year or a fine of up to one thousand dollars, or both.

§17-1608 Applicability. *This law shall apply to all persons convicted of an animal abuse crime on or after the effective date of this law.*

§3. This local law shall take effect 240 days after enactment provided, however, that the mayor or his designee shall designate an agency to implement its provisions within 90 days of its enactment and the commissioner of such agency shall take all actions necessary for its implementation, including the promulgation of rules, prior to such effective date.

THE CITY OF NEW YORK, OFFICE OF THE CITY CLERK, s.s.:

I hereby certify that the foregoing is a true copy of a local law of The City of New York, passed by the Council on December 19, 2013, disapproved by the Mayor on December 27, 2013 and repassed by the Council on February 4, 2014 and said law is adopted notwithstanding the objection of the Mayor.

MICHAEL M. McSWEENEY, City Clerk, Clerk of the Council.

CERTIFICATION OF CORPORATION COUNSEL

I hereby certify that the form of the enclosed local law (Local Law No. 4 of 2014, Council Int No. 933-A of 2012) to be filed with the Secretary of State contains the correct text of the local law passed by the New York City Council, disapproved by the Mayor and repassed by the City Council.

JEFFREY D. FRIEDLANDER, Acting Corporation Counsel.