

Local Law #7 of 2016
(Passed at December 6, 2016 Full Meeting)

A LOCAL LAW AMENDING THE PUTNAM COUNTY CODE BY ADDING A NEW CHAPTER 115 ENTITLED “ANIMAL PROTECTION”

Be it enacted by the Legislature of the County of Putnam as follows:

Section 1.

A New Chapter 115 of the Putnam County Code entitled “Animal Protection” is hereby added to read as follows:

**ARTICLE I
Animal Cruelty Registry Law**

§115-1. Legislative Intent

Animal cruelty is a serious problem, resulting in the abuse of thousands of animals each year in the United States. While New York State has criminalized the cruel treatment of animals, animal abuse continues to occur in Putnam 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. Furthermore, individuals who abuse animals are statistically more likely to commit violent acts against humans and a strong correlation has been established linking individuals who abuse animals with incidents of domestic violence.

The Putnam County Legislature finds that it is in the best interest of Putnam County residents to establish an online registry identifying individuals residing in Putnam County that have been convicted of an animal abuse crime and 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. Therefore, the purpose of this law is to establish an online registry of individuals residing in Putnam County who are convicted of animal abuse crimes.

§115-2. Definitions

A. “Animal Abuse Crime” shall mean the commission of the following enumerated crimes against an animal:

- (1) Animal Fighting, as defined in the New York State Agriculture and Markets Law (hereinafter “A.M.L.”) §351;
- (2) Overdriving, Torturing and Injuring Animals; Failure to Provide Proper Sustenance, as defined in A.M.L. §353;
- (3) Aggravated Cruelty to Animals, as defined in A.M.L. §353-a;
- (4) Abandonment of Animals, as defined in A.M.L. § 355;
- (5) Failure to provide proper food and drink to Impounded Animals, as defined in A.M.L. §356;
- (6) Carrying animal in a cruel manner, as defined in A.M.L. §359;

- (7) **Poisoning or Attempting to Poison Animals, as defined in A.M.L. §360;**
 - (8) **Interference with or Injury to certain Domestic Animals, as defined in A.M.L. §361;**
 - (9) **Throwing substances injurious to animals in public place, as defined in A.M.L. §362;**
 - (10) **Clipping or cutting the ears of dogs, as defined in A.M.L. §365;**
 - (11) **Companion Animal Stealing, as defined in A.M.L. §366;**
 - (12) **Removing, seizing or transporting dogs for research purposes, as defined in A.M.L. §366-a;**
 - (13) **Harming a Service Animal in the second degree, as defined in New York State Penal Code §242.10;**
 - (14) **Harming a Service Animal in the first degree, as defined in New York State Penal Code §242.15;**
 - (16) **Sexual Misconduct with an Animal, as defined in New York State Penal Code §130.20(3);**
 - (17) **Harming an Animal trained to aid a person with a disability in the first degree, as defined in New York Penal Code §195.12.**
- B. **“Animal” shall mean any living mammal (except a Human Being), bird, reptile, amphibian, or fish.**
 - C. **“Animal Abuse Offender” shall mean 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.**
 - D. **“Convicted Of” shall mean an adjudication of guilt by any court of competent jurisdiction, whether upon a verdict or plea of guilty.**
 - E. **“Pet Seller” shall mean 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.**
 - F. **“Pet Dealer” shall mean any individual person, partnership, firm, corporation or other entity who or which sells or offers to sell more than nine animals per year for profit to the public. Such definition shall include pet stores, as defined in this Article and breeders who sell or offer to sell directly to the consumer animals born and raised on the breeder’s residential premises.**
 - G. **“Animal Shelter” shall mean any public, privately owned, or not for profit 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.**
 - H. **“Pet Store” shall mean any facility of an individual, firm, partnership, corporation, company or entity who or which offers animals for sale as part of a business.**
 - I. **“Residence” shall mean the local where a person maintains a fixed, permanent and principal home and to which he/she, wherever temporarily located, always intends to return.**

§115-3. Creation of Animal Cruelty Registry

An online registry shall be established containing the name, residence information, and a head photo, including shoulders, of any individual residing in Putnam County who has been convicted of any animal abuse crime, as defined in this Article. The Putnam County Sheriff is hereby authorized, empowered and directed to collaborate with the Putnam County Society for the Prevention of Cruelty to Animals, Inc. (PCSPCA) to establish and maintain an Animal Cruelty Registry (the "Registry") for such individuals in Putnam County. The Registry shall also contain links to other county Animal Abuse 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, Pet Dealers, or other persons or entities located in Putnam County when they shall sell, exchange or otherwise transfer the ownership of any animal. The PCSPCA shall receive all fees associated with the registration as the cost of maintenance and administration of the Registry. The Registry shall be publicly available on the PCSPCA website.

The Registry shall contain the required information about each Animal Abuse Offender for a period of ten (10) years following his or her release from incarceration; or if not incarcerated, from the date of entry judgment. Persons who are convicted of subsequent animal abuse crimes shall remain on the Registry for ten (10) years following their most recent conviction. Upon notification to the Putnam County Sheriff's Office of a successful appeal of a conviction of an animal abuse crime by any individual who had been required to register pursuant to this local law, the information for that individual shall be removed from the Registry within five (5) days following said notification.

§115-4. Registry Requirements

- A. All Animal Abuse Offenders who reside in Putnam County and who are convicted of animal abuse crime on or after the effective date of this law must register with the Registry at the PCSPCA, within the later of ten (10) days of their release from incarceration or if not incarcerated, from the date of entry of judgment.
- B. When a person is convicted of an animal abuse crime in Putnam County, the prosecuting agency shall endeavor to forward to the PCSPCA, 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 PCSPCA that the person is required to enroll in the Registry.
- C. Each person required to enroll in the Registry shall submit to the PCSPCA:
 - (1) Their name and any aliases they are known by;
 - (2) Their residential address; and
 - (3) A photograph of their head and shoulders taken from the front 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. Each person required to enroll in the Registry shall update their registration information annually in January and within five (5) days of any change of residential address and/or upon any official change of name.
- E. Every person required to enroll in the Registry must pay a fee of fifty (\$50) dollars to the PCSPCA upon initial registration and every January thereafter at the time of their registration update. These funds will be used to pay the administrative and maintenance costs of maintaining the Registry. The PCSPCA may waive part or the entire registration fee where,

because of the indigence of the person, the payment of such fee would work an unreasonable hardship on such offender, his or her immediate family, or any other person who is dependent on such person for financial support.

- F. Each Person convicted of an animal abuse crime in another New York County who moves into Putnam County must enroll in the Registry within ten (10) days of establishing residence in Putnam County.
- G. Each person required to enroll in the Registry is prohibited from possessing, adopting, owning, purchasing or exercising control over any animal at any time while the person is required to be listed on the Registry.
- H. The Putnam County Sheriff, or his/her designee, is hereby authorized and empowered to promulgate such rules and regulations necessary to implement this law.

§115-5. Prohibition from Transferring Animal Ownership to Animal Abuse Offenders

- A. No Pet Seller, Pet Dealer, Pet Store, Animal Shelter, other person or entity located in Putnam County, or any other authorized agents thereof, shall knowingly sell, exchange or otherwise transfer the ownership of any animal to any person listed on the Registry.
- B. Prior to the sale, adoption, exchange, or other transfer of ownership of any animal within Putnam County, the Pet Seller, Pet Dealer, Pet Store, Animal Shelter, other person or entity located in Putnam County, or any other authorized agents thereof, is required to examine the Registry to confirm that the name of the potential owner of the animal is not listed thereon.

§115-6. Penalties

- A. Any Animal Abuse Offender who fails to enroll in the Registry shall be guilty of a violation punishable by:
 - (1) A fine of not less than two hundred and fifty dollars (\$250) and not more than one thousand dollars (\$1,000); or
 - (2) Imprisonment for not more than fifteen (15) days; or
 - (3) both.
- B. Any Animal Abuse Offender required to enroll, or to update his/her enrollment, with the Registry and who, for a second time within any two (2) year period, fails to do so shall be guilty of a class "A" misdemeanor.
- C. Any Animal Abuse Offender who violates the prohibition against possessing, adopting, owning, purchasing, or exercising control over any animal at any time while the person is required to be listed on the Registry shall be guilty of a violation punishable by:
 - (1) A fine of not less than two hundred and fifty dollars (\$250) but not more than one thousand dollars (\$1,000); or
 - (2) Imprisonment for not more than fifteen (15) days; or
 - (3) both.
- D. Any Animal Abuse Offender required to enroll in the Registry and who, for a second time within any two (2) year period, possesses, adopts, owns, purchases, or exercises control over any animal at any time while the person is required to be listed on the Registry shall be guilty of a class "A" misdemeanor.

- E. Any Pet Seller, Pet Dealer, Pet Store, Animal Shelter or other individual or entity located in Putnam County, or any authorized agents thereof, who violate Section 95-14 of this Local Law, shall be guilty of a violation and subject to a maximum fine of two hundred and fifty dollars (\$250). It shall not be a violation of this law if the Pet Seller, Pet Dealer, Pet Store, Animal Shelter or other individual, entity or any authorized agents thereof, checked with the Registry and the name did not appear thereon.
- F. Any Pet Seller, Pet Dealer, Pet Store, Animal Shelter, or other individual or entity located in Putnam County, or any authorized agents thereof, who a second time within two (2) years violates Section 95-14 of this Local Law shall be guilty of a class "A" misdemeanor.
- G. Any person who knowingly purchases or adopts an animal on behalf of an individual who is required to register with the Registry shall be guilty of a violation punishable by a fine of not less than two hundred and fifty thousand dollars (\$250) but not more than one thousand dollars (\$1,000), or imprisonment for not more than fifteen (15) days, or both.

§115.7. Applicability

This law shall apply to all persons convicted of animal abuse crimes as defined by Section 95-11 of Article III, on or after the effective date of this law.

§115.8. Enforcement

This law shall be enforced by the Putnam County Sheriff Department, local law enforcement officers and officers of the PCSPCA.

§115.9. 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 2. Effective Date

This law shall take effect immediately upon filing with the New York Secretary of State.