New York State Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231-0001
www.dos.ny.gov

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☒ **County** ☐ **City** ☐ **Town** ☐ **Village**
(Select one:)

of Dutchess

Local Law No. 4 **of the year 20** 19

A local law A LOCAL LAW ESTABLISHING AN ANIMAL ABUSE REGISTRY
(Insert Title)

Be it enacted by the County Legislature **of the**
(Name of Legislative Body)

☒ **County** ☐ **City** ☐ **Town** ☐ **Village**
(Select one:)

of Dutchess **as follows:**

SECTION 1. LEGISLATIVE INTENT.

The Dutchess County Legislature finds it necessary and appropriate to establish a County-wide Animal Abuse Registry. Animal abusers have a high rate of recidivism and is often associated with violence towards humans. It is the intent of this law to restrict those persons who have committed serious animal welfare crimes to be banned from owning or living with an animal for a period of fifteen years and to be listed on the Sheriff's website in order to restrict their ability to obtain an animal. Persons or entities transferring the ownership of an animal, or which have employees or volunteers interacting with animals have a duty to inspect the registry to ensure such persons have no history of animal abuse. This registry will severely restrict an Animal Abuse Offender's ability to obtain an animal. It is the hope that surrounding counties will provide a link to Dutchess' Registry alongside their registry in order to prevent an Offender from traveling outside the County to obtain an Animal. The registry maintained by the Dutchess County Sheriff's Office will have links to other online registries throughout the state should a person or entity want to do an exhaustive search of state-wide offenders to ensure the welfare of the Animal. It may be necessary from time to time to update the crimes enumerated as an Animal Abuse Crime if the State of New York enacts new laws however this local law allows judicial discretion in requiring a person to register for non-enumerated crimes.

(If additional space is needed, attach pages the same size as this sheet, and number each.)

SECTION 2. DEFINITIONS.

Unless the context clearly provides otherwise, the terms set forth below shall have the following meanings:

(a) "Animal" means any living mammal, bird, reptile, amphibian or fish. It shall not mean a human being.

(b) "Animal Abuse Crime" means any of the following:

(1) New York State Agriculture and Markets Law 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 353-c, Electrocution of fur-bearing animals
Section 353-d, Confinement of companion animals in vehicles: extreme temperatures
Section 353-e, Companion animal grooming facilities
Section 353-f, Companion animal piercing and tattooing prohibited
Section 355, Abandonment of animals
Section 356, Failure to provide proper food and drink to impounded animals
Section 357, Selling or offering to sell or exposing diseased 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 364, Running horses on highway
Section 365, Clipping or cutting the ears of a dogs
Section 366, Companion animal stealing
Section 366-a, Removing, seizing or transporting dogs for research purposes
Section 368, Operating upon tails of horses
Section 379, Selling fur, hair, skin or flesh of a dog or cat

(2) New York State Penal Law:

Section 130.20(3), Sexual misconduct with an animal
Section 195.06, Killing or injuring a police animal
Section 195.12, Harming an animal trained to aid a person with a disability
Section 242.10 and Section 242.15, Harming a service animal

(c) "Animal Abuse Offender" means 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) "Animal Abuse Registry" means the online registry established by this local law for the purpose of registering any person convicted of an Animal Abuse Crime who is currently residing in the County.

(e) "Animal Shelter" means 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, surrendered, unwanted, lost, abandoned or abused and seeks to find appropriate temporary or permanent homes for such animals.

(f) "Conviction" means any adjudication of guilt by any court of competent jurisdiction, whether upon a verdict after trial, plea of guilty or nolo contendere plea.

(g) "Farm Animal" means any ungulate, poultry, species of cattle, sheep, swine, goats, llamas, horses or fur-bearing animals, as defined in section 11-1907 of the environmental conservation law, which are raised for commercial or subsistence purposes. Fur-bearing animal shall not include dogs or cats.
(h) "Pet Seller" means any individual, person, partnership, firm, corporation or other entity which offers Animals for sale, exchange or otherwise transferring ownership of Animals.
(i) "Service Animal" means any animal that has been trained to do work and/or perform tasks for persons with disabilities as defined under the American with Disabilities Act.

Section 3. ESTABLISHING AN ANIMAL ABUSE REGISTRY.

(a) The County Sheriff's Department is hereby authorized, empowered and directed to establish, manage and maintain an online Animal Abuse Registry of any Animal Abuse Offenders living in the County.
(b) The Animal Abuse Registry shall contain information as listed in Section 5 subsection d of this Article and including but not limited to the Animal Abuse Crime(s) convicted of, date the listing was posted, type of Animal, and should the Animal(s) related to the charges have a name(s) their name(s) shall be listed.
(c) The Animal Abuse Registry shall be found on the Sheriff's Department website and contain links to other counties who maintain an Animal Abuse Registry in some form easily available for public inspection.
(d) The Sheriff's Department is hereby authorized and empowered to promulgate such rules and regulations as may be necessary to implement the Animal Abuse Registry.

Section 4. ANIMAL ABUSE CONVICTIONS.

(a) Any person who has been charged with an Animal Abuse Crime and is offered a plea to a reduced charge may be ordered by the court, with proper notice and after a hearing, to register with the Sheriff's Department as part of the final judgment.
(b) Any person who has been convicted or plead to a non-enumerated crime under the Animal Abuse Crime definition, but such crime is related to endangering the welfare of an Animal may be ordered by the court, with proper notice and after a hearing, to register with the Sheriff's Department as part of the final judgment.
(c) Any hearing pursuant to this Section shall be a summary hearing and necessary when the defendant has been found guilty or plead to a non-enumerated crime under the Animal Abuse Crime definition. The hearing shall determine if the underlying conduct the defendant was charged with poses a risk to the safety and well-being of Animals and therefore indicates a compelling interest to subject the defendant to registration pursuant to this local law. Any person who is required to register with the Sheriff's Department pursuant to this Section shall comply with all applicable provisions of this local law.

Section 5. ANIMAL ABUSE REGISTRY.

(a) Any Animal Abuse Offender who resides in the County and who has been convicted of an Animal Abuse Crime on or after the effective date of this local law must register with the Sheriff's Department within 10 (ten) days of their release from incarceration or, if not incarcerated, from the date of the rendering of judgment.

(1) Nothing in this local law shall require any Animal Abuse Offender convicted of an Animal Abuse Crime prior to the enacting date of this Local Law to register with the Sheriff's Department.

(b) The Animal Abuse Registry shall contain the required information of each Animal Abuse Offender for a period of fifteen (15) years following their release from incarceration or, if not incarcerated, from the date of the judgment of conviction.

(1) Any persons registered, required to be registered or previously registered who are convicted of a subsequent Animal Abuse Crime shall be listed on the Animal Abuse Registry for life.

(c) When a person is convicted of an Animal Abuse Crime, the prosecuting agency shall promptly forward to the Sheriff's Department the name, address, the Animal Abuse Crime(s) that said person was convicted of, type of animal, and the Animal name(s) should they have one, thereby notifying the Sheriff's Department that said person is required to register with the Animal Abuse Registry.

(1) Should a person successfully appeal a conviction of an Animal Abuse Crime, the prosecuting agency shall promptly forward to the Sheriff's Department the name and address of the convicted person and the Animal Abuse Crime(s) that they were originally convicted of, thereby notifying the Sheriff's Department that the person is no longer required to be registered with the Animal Abuse Registry.

(2) Upon notification to the Sheriff's Department 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 individual shall be removed from the Animal Abuse Registry within five (5) days following the notification.

(d) Each person required to register with the Sheriff's Department shall submit the following information:

(1) Their name and any aliases they may be known by;

(2) Their place of residence and any other addresses listed on a government issued identification card;

(3) Their date of birth;

(4) A clear and accurately depicted photograph of the person's head and shoulders. The Sheriff's Department may or may not accept a submitted photograph and require the person to be photographed at a Sheriff's Department office.

(e) Every five (5) years each person required to register with the Sheriff's Department shall:

(1) Verify or update their name and any aliases, and place of residence and any other addresses;

(2) Update their photograph.

(f) Each person required to register with the Sheriff's Department shall update their registry information within five (5) days of any change of residential address and/or upon any official change of name.

(g) Each person convicted of an Animal Abuse Crime in another county within the State of New York who establishes residence in the County shall register with the Sheriff's Department within thirty (30) days of establishing residence.

(h) Each person required to register with the Sheriff's Department shall pay an initial fee of one hundred and twenty-five ($125) to the Sheriff's Department at the time of registration. All such fees shall be used to help pay the administrative and maintenance costs of maintaining the Animal Abuse Registry or for Animals in the service of the Sheriff's Department.

(i) Any person who is required to register who fails to do so shall have all of the required information, made available to the Sheriff's Office, listed on the Registry within twenty (20) days of such person's release from incarceration or, if not incarcerated, from the date of the rendering of judgment with a notation that such person has failed to register.

Section 6. REQUIREMENTS AND PROHIBITIONS.

(a) Animal Abuse Offenders shall not own Animals within the County, where such ownership includes having Animals within or about the person's residence or otherwise under the care, custody or control of such person, except:
    (1) An Animal Abuse Offender may own an Animal used as a Service Animal or Farm Animal, either utilized by themselves or by another person residing at the same address as the Animal Abuse Offender.
(b) An individual who is convicted of an Animal Abuse Crime shall transfer ownership and control of any Animals within sixty (60) days of conviction.
(c) An Animal Shelter, Pet Seller, or other person or entity located in the County shall not sell, exchange or otherwise transfer the ownership of any animal to any person residing in the County who is listed as an Animal Abuse Offender on the Animal Abuse Registry, except:
    (1) An Animal Shelter, Pet Seller, or other individual or entity may sell, exchange or otherwise transfer the ownership of a Service Animal or Farm Animal to an Animal Abuse Offender.
(d) At the time of sale, exchange or other transfer of ownership of any Animal, the Animal Shelter, Pet Seller or other person or entity shall examine the Animal Abuse Registry to confirm that the name of the potential owner of the Animal is not listed.
    (1) It shall not be considered a violation if the Animal Abuse Registry was reviewed at the time of sale, exchange or transfer and the Animal Abuse Offender was not listed.
(e) Nothing in this local law shall prevent an Animal Shelter, Pet Seller, or other person or entity located in the County from denying a sale, exchange or otherwise transferring the ownership of any animal for any reason including but not limited to a person being registered on another animal abuse registry within the State of New York.
(f) Any business, nonprofit, entity or otherwise which, in their normal course of business, has supervision or control of any Animal shall:
    (1) Inspect the Animal Abuse Registry for names of new employees or volunteers who have supervision or control of any Animal.
    (2) Annually cross-reference a list of employees and volunteers, who have supervision or control of any Animal, with the Animal Abuse Registry.

SECTION 7. PENALTIES.

(a) Any Animal Abuse Offender required to register or update their information with the Sheriff's Department who fails to do so 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).
(b) Any Animal Abuse Offender who violates the prohibition against possessing, owning, adopting or purchasing an animal 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).

(c) Any Animal Shelter, Pet Seller, or other individual or entity that violates any provision of this law shall be guilty of a violation and subject to a fine not to exceed five thousand dollars ($5,000).

SECTION 8. 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 9. REVERSE PREEMPTION.

This article shall be null and void on the day that statewide legislation goes into effect incorporating either the same or substantially similar provisions as are contained in this Article or in the event that a pertinent state or federal administrative agency issues and promulgates regulations preempting such action by the County of Dutchess.

SECTION 10. EFFECTIVE DATE.

This Local Law shall be effective immediately upon filing with the New York State Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the Legislature _____ on _____ 20_____, in accordance with the applicable
(Name of Legislative Body)
provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)
I hereby certify that the local law annexed hereto, designated as local law No. 4 of 20 19 of the (County)(~~City)(Town)(Village~~) of Dutchess was duly passed by the Legislature on August 12, 20 19, and was (approved)(~~not approved~~)
(Name of Legislative Body)
(~~repassed after disapproval~~) by the County Executive and was deemed duly adopted
(Elective Chief Executive Officer)*
on September 10, 20 1 9, in accordance w ith the applicable provisions of law.

3. (Final adoption by referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20_____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20_____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved)
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20_____. Such local
(Elective Chief Executive Officer)*
law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20_____, in accordance with the applicable provisions of law.

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* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)
I hereby certify that the local law annexed hereto, designated as local law No._____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on_____ 20_____, became operative.

6. (County local law concerning adoption of Charter.)
I hereby certify that the local law annexed hereto, designated as local law No._____ of 20_____ of the County of _____State of New York, having been submitted to the electors at the General Election of November _____ 20_____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)
I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2_____ above.

Carolyn Morris
Clerk of the county legislative body, ~~or other officer designated by local legislative body~~

Date: September 12, 2019

STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
99 WASHINGTON AVENUE
ALBANY, NY 12231-0001
WWW.DOS.NY.GOV

RECEIVED
SEP 23 2019
By SH 12:30

ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

September 18, 2019

Carolyn Morris
Clerk Dutchess County Legislature
22 Market Street
Poughkeepsie NY 12601

RE: County of Dutchess, Local Law 4, 5, 6 2019, filed on September 16 2019

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492