

B.

LOCAL LAW NO. 5 - 2017

A LOCAL LAW ESTABLISHING AN ANIMAL ABUSER REGISTRY AND PROHIBITING ANIMAL OWNERSHIP BY ANIMAL ABUSE OFFENDERS WITHIN ONONDAGA COUNTY

BE IT ENACTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY AS FOLLOWS:

Section 1. Findings/Purpose.

Animal cruelty is a serious problem, and many animals are abused each year. The State of New York has criminalized the cruel treatment of animals. However, notwithstanding the criminalization of such actions, animal abuse and cruelty continues to occur in Onondaga County and throughout New York State. The recidivism rate is believed to be high with this type of crime.

To reduce opportunities for the commission of repeat offenses against animals, the Onondaga County Legislature adopts this local law and establishes a registry, identifying individuals residing in Onondaga County convicted of animal abuse crimes. Further, this local law prohibits such individuals from owning animals.

Section 2. Definitions.

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

"Animal Abuse Crime" - Any of the following crimes listed in subsections (a) through (e):

- (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 animals
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, residing within Onondaga County, and convicted of an Animal Abuse Crime, except youthful offenders with convictions contained within sealed records.

"Animal Abuser Registry" - The online registry established by this Local Law for registering any person residing in Onondaga 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 or upon plea of guilty or nolo contendere.

"Pet Seller" - Any individual, person, partnership, firm, corporation, or other entity which regularly offers animals for sale or is otherwise routinely engaged in the business of selling, exchanging, or otherwise transferring ownership of animals.

Section 3. Establishing an Animal Abuser Registry.

The Onondaga County Sheriff, or such officer's designee, is hereby directed to create, manage, and maintain an Animal Abuser Registry, containing the names and residence information of registered Animal Abuse Offenders living in Onondaga County.

The Onondaga County Sheriff's Office shall have a link to the Animal Abuser Registry on the Onondaga County Sheriff's Office webpage, together with links to other county Animal Abuser Registries that are available in the state of New York, updated from time to time. Such other county registries may be used as informational resources by Animal Shelters and Pet Sellers.

The information maintained in the Animal Abuser Registry shall be maintained on an open website of the County. Further, this should be used for the limited purpose of determining whether such person is prohibited from owning an animal under this local law.

The Animal Abuser 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 Onondaga 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 Onondaga County Animal Abuser Registry within five (5) business days following the notification.

Section 4. Registration Requirements.

- (a) All Animal Abuse Offenders must register with the Animal Abuser Registry within five (5) business days of their release from incarceration or, if not incarcerated, from the date of the conviction.

Further, in the event that an Animal Abuse Offender establishes residence within Onondaga County within fifteen (15) years of the conviction or release from incarceration, such person must register with the Animal Abuser Registry within five (5) days of such residence being so established.

- (b) When a person is convicted of an Animal Abuse Crime, the prosecuting agency shall forward to the Onondaga County Sheriff's Office the name and residence address of the Animal Abuse Offender, together with the specific Animal Abuse Crime of which such person was convicted, thereby notifying the Onondaga County Sheriff's Office that such person is an Animal Abuse Offender and required to register with the Animal Abuser Registry.
- (c) Each Animal Abuse Offender shall personally appear before the Onondaga County Sheriff's Office and submit proof of the following:
 - i) such person's name and any aliases by which such person may be known;
 - ii) such person's residence address;
 - iii) such person's date of birth; and
 - iv) a description of the offense for which such person was convicted, the date of conviction, and the sentence imposed.
- (d) The Onondaga County Sheriff's Office shall photograph the front of the Animal Abuse Offender's head and shoulders.
- (e) Every person required to register with the Animal Abuser Registry shall update the registry information within five (5) days of any change of residential address and/or upon any official change of name. The obligation to provide such updates continues throughout the entire period in which such person is required to be registered.
- (f) Every person required to register with the Animal Abuser Registry shall pay a one-time fee of one hundred twenty-five dollars (\$125) to the Onondaga 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 Animal Abuser Registry.
- (g) Any person who may be required to register may petition the sentencing court for relief from such requirements, and the court may, in its discretion and upon good cause, grant such relief.

Section 5. Prohibition against Animal Ownership for Animal Abuse Offenders.

Animal Abuse Offenders are prohibited from owning animals within Onondaga 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.

No Animal Shelter or Pet Seller shall sell, exchange or otherwise transfer the ownership of any animal to any known Animal Abuse Offender, including those on the Animal Abuser Registry.

Prior to the sale, exchange or other transfer of ownership of any animal, each Animal Shelter or Pet Seller shall examine the Animal Abuser Registry to confirm that the potential owner of such animal is not listed as an Animal Abuse Offender.

Section 6. 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 dollars (\$2,000).
- (b) Any Animal Abuse Offender who violates the prohibition against owning 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).

It shall not be a violation of this local law if an Animal Abuse Offender owns an animal used as a service animal by such person or a person residing at the same address as the Animal Abuse Offender, where service animal is to be defined in a manner consistent with federal or state law for persons with disabilities.

- (c) Any Animal Shelter or Pet Seller who knowingly violates the prohibition against selling, exchanging, or otherwise transferring the ownership of any animal to any Animal Abuse Offender shall be guilty of a violation and subject to a fine not to exceed five thousand dollars (\$5,000).

It shall not be a violation of this local law if the Animal Shelter or Pet Seller queried the Animal Abuser Registry and the name did not appear therein.

Further, it shall not be a violation of this local law if an Animal Shelter or Pet Seller sold an animal to a person requiring a service animal, where service animal is to be defined in a manner consistent with federal or state law for persons with disabilities.

Section 7. Rules and Regulations.

The Onondaga County Sheriff, or such officer's designee, is hereby authorized and empowered to promulgate such rules and regulations as may be reasonably necessary to implement this local law.

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.

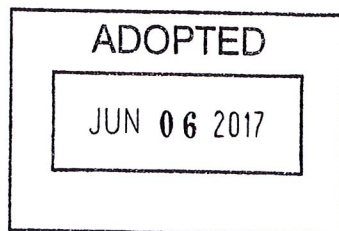
This local law shall apply to those Animal Abuse Offenders with convictions occurring on or after the effective date of this local law.

This local law shall take effect on August 1, 2017, and shall be filed, consistent with the provisions of Municipal Home Rule Law.

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ONONDAGA COUNTY
LEGISLATURE
RECEIVED



I HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND EXACT COPY OF LEGISLATION DULY ADOPTED BY THE COUNTY LEGISLATURE OF ONONDAGA COUNTY ON THE

6th DAY OF June, 2017.

Deborah A. Matuso

CLERK, COUNTY LEGISLATURE
ONONDAGA COUNTY, NEW YORK