



ANIMAL ABUSER REGISTRY LAWS

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ISSUES

Has any U.S. state enacted an animal abuser registry law? If so, what are the law's provisions and who administers the registry? Is there a model registry law?

SUMMARY

No state has enacted an animal abuser registry law, but some New York counties and New York City have enacted such laws. In October 2010, Suffolk County enacted what is believed to be the first animal abuser registry law in the United States. Rockland and Albany counties enacted similar laws in 2011 and Nassau County enacted one in May 2014. New York City's city council enacted an animal abuser registry law in February 2014; it took effect on October 2, 2014.

Animal abuser registry laws require people convicted of animal abuse to annually register with authorities for a period of years. Anyone who must register but fails to do so is subject to penalties. Albany, Nassau, and Rockland counties and New York City also prohibit certain entities (e.g., pet shops or pet shelters) from transferring animals to registered offenders.

In Albany and Rockland counties, the sheriff's department is responsible for administering the registry. The Albany County Sheriff may agree to have the Mohawk and Hudson River Humane Society establish and maintain the registry. In Suffolk County, the police department's commissioner must administer the registry, but may contract with the Suffolk County Society for the Prevention of Cruelty to Animals to do so. In Nassau County, the police department's commissioner must contract with the Nassau County Society for the Prevention of Cruelty to Animals to establish and maintain the registry. New York City's law requires the mayor or his designee to designate an agency to administer the registry (it does not appear that he has done so yet).

The Animal Legal Defense Fund (ALDF) published a model animal abuser registry law in February 2010 and makes it available on its [website](#).

NEW YORK COUNTY LAWS

New York’s Albany, Nassau, Rockland, and Suffolk counties have animal abuser registry laws. These laws establish county-wide online registries of residents convicted of animal abuse. An offender must register with authorities within five days of conviction or release from incarceration by submitting his or her (1) name and aliases, (2) address, and (3) head photo. He or she must update the information annually and each time his or her address changes. Offenders must pay an annual registration fee to cover the registry’s administrative and maintenance costs: \$50 (Albany, Rockland, and Suffolk counties) or \$100 (Nassau County).

Albany, Nassau, and Rockland counties also (1) require certain pet sellers and shelters to check the registry before selling or otherwise transferring an animal to a person and (2) prohibit the entities from transferring animals to registered offenders.

Table 1 compares key provisions of each law, including the (1) definition of an offender, (2) number of years an offender must remain on the registry, (3) penalty for failing to register, and (4) authority responsible for administering the registry.

Table 1: Albany, Nassau, Rockland, and Suffolk Counties’ Animal Abuser Registry Laws

	<i>Albany</i>	<i>Nassau</i>	<i>Rockland</i>	<i>Suffolk</i>
Definition of “offender”	Any county resident age 16 or older convicted of animal abuse on or after the law’s effective date	Any county resident age 18 or older convicted of animal abuse on or after the law’s effective date	Any county resident age 18 or older convicted of animal abuse on or after the law’s effective date	Any county resident age 18 or older convicted of animal abuse on or after the law’s effective date
Number of years offender must remain on the registry	10 years; a current or former registrant who is convicted of a subsequent animal abuse offense must remain on the registry for life	Five years; a registrant who is convicted again of animal abuse must remain on the registry for 10 years following the most recent conviction	Four years; a registrant who is convicted again of animal abuse must remain on the registry for four years following the most recent conviction	Five years; a registrant who is convicted again of animal abuse must remain on the registry for 10 years following the most recent conviction
Penalty for failing to register	Misdemeanor, punishable by imprisonment of up to one year, a fine of up to \$1,000 for each day the failure continues, or both	Class A misdemeanor, punishable by imprisonment for up to one year, a fine of up to \$1,000, or both	Class A misdemeanor, punishable by imprisonment of up to one year, a fine of up to \$1,000, or both	Class A misdemeanor, punishable by imprisonment of up to one year, a fine of up to \$1,000, or both

Table 1: -Continued-

	<i>Albany</i>	<i>Nassau</i>	<i>Rockland</i>	<i>Suffolk</i>
Authority responsible for administering registry	Albany County Sheriff, who may negotiate an agreement with the Mohawk and Hudson River Humane Society to establish and maintain the registry	Nassau County Police Department's commissioner, who must contract with the Nassau County Society for the Prevention of Cruelty to Animals to establish and maintain the registry	Rockland County Sheriff's Department	Suffolk County Police Department's commissioner, who may contract with the Suffolk County Society for the Prevention of Cruelty to Animals to establish and maintain the registry
Prohibition on pet sellers and related penalty	Animal shelters, pet sellers, or others who sell, exchange, or otherwise transfer ownership of animals (1) must check the registry before any pet transfer and (2) are prohibited from transferring animals to a registered offender Violators are subject to a \$5,000 fine	Animal shelters or pet dealers (1) must check the registry before any pet purchase or adoption and (2) are prohibited from knowingly selling, offering, delivering, or providing an animal to a registered offender Violators are subject to a fine of up to \$500 for a first offense, \$1,000 for a second offense, and \$1,500 for subsequent offenses	Pet dealers, societies for the prevention of cruelty to animals, humane societies, pounds, shelters, or their agents (1) must check the registry to see if a prospective consumer is a registered animal abuser and (2) are prohibited from knowingly selling or offering to sell an animal to a registered offender A violation is a class A misdemeanor (see above)	None

Sources: individual laws, available at:

<http://www.nysac.org/legislative-action/documents/AlbanyLocalLaw-AnimalAbuseReg.pdf> (Albany),

<http://www.nassaucountyny.gov/agencies/Legis/Docs/PDF/LocalLaw%204-2014.pdf> (Nassau),

<http://www.ecode360.com/15306523> (Rockland), and <http://www.ecode360.com/15405586> (Suffolk)

NEW YORK CITY LAW

Creation of Registry

New York City's [Animal Abuse Registration Act](#) took effect October 2, 2014 (New York City Administrative Code, Chapter 16). Under the act, the mayor must designate an agency to create, manage, and maintain an electronic registry of people living in the city who have been convicted of animal abuse. The agency's commissioner may adopt implementing rules.

The registry information is available to law enforcement agencies and district attorneys. Certain authorized entities are also allowed to search the registry to determine if someone registered. The “authorized entities” include:

1. a humane society, society for the prevention of cruelty to animals, or dog or cat protective association;
2. an animal control officer;
3. a pet shop;
4. a veterinarian;
5. an animal rescue; or
6. an animal shelter.

Registration Requirements

Anyone age 18 or older living in New York City who is convicted of animal abuse on or after October 2, 2014, must register with the designated agency within five days following his or her (1) release from incarceration or, if not incarcerated, sentencing or (2) establishing residency in the city. The agency must photograph the registrant, who must provide the following information:

1. name and all aliases used;
2. birth date;
3. sex, complexion, race or ethnicity, height, weight, and eye color;
4. driver’s license or non-driver photo identification card number;
5. home address or expected place of residence;
6. a description of the offense, date of conviction, and sentence imposed;
and
7. any other documentation deemed acceptable to verify the information provided.

The act requires a registrant to annually renew his or her registration for as long as he or she must stay on the registry by personally appearing at the agency. The agency will (1) photograph the registrant and (2) verify the accuracy of the above information. Within five days after any change in information, the registrant must go to the agency to update the registry.

A registrant must stay on the registry for five years, however, if convicted again of animal abuse, he or she must stay on the registry for 10 years following the most recent conviction.

Contact with Animals Prohibited

The law bans anyone who is registered or required to register from owning, possessing, residing with, having custody of, or intentionally having any physical contact with any animal.

Penalties

Failing to register or having unlawful contact with animals is a misdemeanor, punishable by incarceration for up to one year, a \$1,000 fine, or both.

No Transferring of Animals to Registrants

Before transferring ownership of an animal in its care, an authorized entity operating in New York City must search the animal abuser registry to determine if the person seeking ownership of the animal is a registered animal abuser. Authorized entities are prohibited from transferring ownership of an animal to anyone on the registry.

ANIMAL LEGAL DEFENSE FUND – MODEL LAW

ALDF is an animal rights law organization that advocates for stronger enforcement of anti-cruelty laws and more humane treatment of animals.

ALDF makes a model animal abuser registry law available on its website (<http://aldf.org/downloads/OffenderRegistryModelLaw.pdf>).

The model law defines an “animal abuser” as a person over age 18 who is convicted of a felony violation of an animal protection statute. It requires an animal abuser who is within an adopting state’s boundaries for more than 10 consecutive days to register with authorities, providing the following information:

1. legal name and any other names or aliases used;
2. birth date;
3. Social Security number;
4. home address or location;
5. place of employment;
6. the offense for which he or she was convicted;

7. the date and place of the offense;
8. a photograph and a complete set of fingerprints; and
9. a description of any tattoos, scars, or other distinguishing features.

The model law requires an animal abuser to annually renew his or her registration for 15 years. Failure to register, or providing false information when registering, is a felony.

Under the model law, authorities must (1) maintain a local registry and (2) forward all registration information to the state's Department of Justice or similar agency. The state agency must maintain a central animal abuser registry. All registry information, except Social Security numbers, must be made publically available.

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