

PROPOSED LOCAL LAW NO. 4 OF 2025

COUNTY OF HAMILTON

A LOCAL LAW OF THE COUNTY OF HAMILTON, NEW YORK, ESTABLISHING A
REGISTRY FOR ANIMAL ABUSERS

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF
HAMILTON, NEW YORK, AS FOLLOWS:

Section 1. Title.

This Local Law shall be known as the “Animal Abuser Registry Law”.

Section 2. Board Findings.

The Board finds and determines that animal cruelty is a serious concern for Hamilton County and its citizens. Criminal statutes are helpful in deterring cruelty to animals but unfortunately cruelty to animal offenses still occur in Hamilton County and throughout New York State.

It is the Board’s goal to reduce the number and frequency of animal cruelty offenses occurring in Hamilton County. In order to further that goal, the Board believes that identifying individuals who are convicted of animal cruelty charges and limiting their access to animals could reduce the likelihood of future animal cruelty offenses.

The Board determines that it is in the best interest of the residents of Hamilton County and their animals that an online registry be established identifying individuals residing in Hamilton County who have been convicted of animal abuse crimes with the purpose of prohibiting these individuals from adopting, purchasing, or otherwise obtaining animals from any animal shelter, pet dealer or other person or entity involved in the exchange of animals by adopted, sale, or other means.

Section 3. Definitions.

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

“Animal Abuse Crime” – Any of the following crimes:

- (a) A violation of any of the following provisions of the New York State Agriculture Markets Law (“AML”) 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 355 – Abandonment of animals

Section 356 – Failure to provide proper food and drink to impounded 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 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 New York State Penal Law (“PL”) §130.20 (3)
- (c) Harming a service animal in violation of PL §242.10 and §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
- (f) Any conviction of a crime based upon a reduced charge when the original offense was a charge listed in Section 3 (a) – (e) above.

“Animal Abuse Offender” – 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.

“Animal Abuse Registry” – The online registry established by this Local Law for registering any person residing in Hamilton 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.

“Companion Animal or Pet” – Any dog or cat or any other domesticated animal normally maintained in or near the household of the owner or person who cares for such domesticated animal. It shall not include a Farm Animal.

“Conviction” – An adjudication of guilt by any court of competent jurisdiction whether upon verdict after trial, plea of guilty, or nolo contendere plea.

“Farm Animal” – Any ungulate (a hoofed mammal), poultry, species of cattle, sheep, swine, goats, llamas, horses or fur bearing animals (as defined in the Environmental Conservation Law 11-1907) which are raised for commercial or subsistence purposes. Fur bearing animals shall not include dogs or cats.

“Pet Dealer” – (1) Any person or entity that engages in the sale or offers to sell more than nine (9) dogs and/or cats per year to the public; or (2) If the dogs and/or cats being sold or offered to be sold were born and raised on the premises of the person or entity who bred the dogs and/or cats that person or entity is considered a Pet Dealer if he/she/it engages in the sale or offers to sell twenty-five (25) or more dogs and/or cats per year to the public; (3) An Animal Shelter shall not be considered a Pet Dealer.

“Service Animal” – Any animal that has been partnered with a person who has a disability (as defined in Executive Law 5292(21)) and has been trained or is being trained, by a qualified person, to aid or guide a person with a disability.

Section 4. Establishing an Animal Abuser Registry

The Hamilton County Sheriff, or his/her designee, is hereby authorized, empowered and directed to establish an online Animal Abuser Registry that shall contain the names and residence information of all available Animal Abuse Offenders living in Hamilton County who are convicted of an Animal Abuse Crime on or after the Effective date of this law. The online Registry will be maintained by the Hamilton County Sheriff's Office and shall be listed on the Hamilton County website within the Hamilton County Sheriff's Office web page. The online Animal Abuser Registry shall also contain links to other county Animal Abuser 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 resource by Animal Shelters or Pet Dealers located in Hamilton County when they shall sell, exchange or otherwise transfer the ownership of any Companion Animal or Pet.

The registry shall contain the required information about each Animal Abuse Offender for a period of seven (7) years following his or her release from incarceration or, if not incarcerated, from the date of the judgement 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 judgment of conviction. Upon notification to the Hamilton 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 Hamilton County Animal Abuser Registry within five (5) days following the notification.

Section 5. Registry Requirements.

- (A) All Animal Abuse Offenders who reside in Hamilton County and who are convicted of an Animal Abuse Crime on or after the effective date of this Local Law must register with the Hamilton County Animal Abuse Registry within five (5) days of their release

from incarceration or, if not incarcerated, from the date of rendering of judgment. The registration requirements of this section shall be applicable for seven (7) years following the Animal Abuse Offender's release from incarceration or the date sentencing was rendered, whichever is later, and any Animal Abuse Offender who is convicted of a subsequent Animal Abuse Crime the registration requirement of this section shall apply for life following a second conviction.

- (B) When a person is convicted of an Animal Abuse Crime, the prosecuting agency shall forward to the Sheriff's Office 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 Sheriff's Office that the person is required to register with the Animal Abuser Registry.
- (C) Each person required to register with the Animal Abuser Registry shall submit to the Hamilton County Sheriff's Office:
 - (i) Their name and any aliases they may be known by:
 - (ii) Their residence township;
 - (iii) Their date of birth: and
 - (iv) A photograph using a clear image of their face which is not changed by using computer software, phone apps or filters, or artificial intelligence; not less the 2" x 3" or a digital image commonly known as a digital photograph.
- (D) Within twenty (20) days of the anniversary day of the date an individual originally registered with the Animal Abuse Registry, said individual must personally appear at the Hamilton County Sheriff's Office. The individual must confirm the accuracy or change the information provided pursuant to Section 5 (C) (i), (ii) and (iii) above and must provide a new photograph in compliance with Section 5(C)(iv) above. The individual must comply with this Section 5(D) every year the individual remains on the Animal Abuser Registry.
- (E) Every person required to register with the Animal Abuser Registry shall update their registry information within five (5) days of any change of residential address and/or upon any official change of name.
- (F) Every person required to register with the Animal Abuser Registry shall pay a onetime fee of one hundred twenty-five (\$125.00) dollars to the Hamilton 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 registry. In the event that a person is financially incapable of paying the registration fee said individual can make an application to the Hamilton County Sheriff to waive the fee. The Hamilton County Sheriff will investigate the application and shall have the sole discretion to grant or deny the application.
- (G) The Hamilton County Sheriff is hereby authorized and empowered to promulgate such rules and regulations as may be necessary to implement the Animal Abuser Registry.

Section 6. Prohibition on Contact with Animals.

No person who is registered or required to register pursuant to Section 5 of this Local Law shall own, possess, reside with, have custody of, or intentionally engage in any physical contact with any Companion Animal or Pet.

Section 7. Animal Shelters, Pet Dealers, Individuals and Entities Prohibited from Transferring Animal Ownership to Animal Abuse Offenders.

No Animal Shelter, Pet Dealer, Individual and Entity, located in Hamilton County, shall sell, exchange or otherwise transfer the ownership of any Companion Animal or Pet to any person having a residence in Hamilton County and listed as an Animal Abuse Offender on the Animal Abuser Registry. An Animal Shelter, Pet Dealer, Individual and Entity prior to the sale, exchange, or other transfer of ownership of any Companion Animal or Pet, shall examine the Animal Abuser Registry to confirm that the name of the potential owner of the Companion Animal or Pet is not listed. In the event an entity or individual subject to this Section 7 cannot access the Animal Abuser Registry they can call the Hamilton County Sheriff's Office at (518)548-3113 to confirm whether or not the name of a potential owner appears on the Animal Abuse Registry.

This section shall not apply to Farm Animals for farmers or to Service Animals for people with disabilities.

Section 8. 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 (\$2,000.00) dollars.
- (B) Any Animal Abuse Offender who violates the prohibition against possessing, owning, adopting, or purchasing a Companion Animal or Pet – except for Farm Animals for farmers, and Service Animals for people with disabilities – 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 (\$5,000.00) dollars.
- (C) Any Animal Shelter, Pet Dealer, Individual or Entity that knowingly violates Section 7 of this Local Law shall be guilty of a violation and subject to a fine not to exceed five thousand (\$5,000.00) dollars. A first-time violation of Section 7 of this Local Law shall not subject an Animal Shelter, Pet Dealer, Individual or Entity to a fine but all subsequent violations shall be subject to prosecution and fine. It shall not be a violation of this Local Law if the Animal Shelter, Pet Dealer, Individual or Entity can show proof that it/they checked with the Hamilton County Animal Abuser Registry and the name did not appear thereon.

Section 9. Severability.

If any clause, sentence, paragraph, section, subdivision or other part of the Local Law or its applications shall be adjudged by a Court of competent jurisdiction to be invalid or unconstitutional, such order of 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 judgement.