



## Animal Law Update

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### Suffolk County Creates Nation's First Animal Abuser Registry

On October 12<sup>th</sup> ground breaking legislation was unanimously passed in Suffolk County to create the first animal abuser registry in the nation. The legislation requires adults who live in Suffolk County and who have been convicted of an animal abuse crime to register for a period of five years following such conviction.

An accompanying resolution scheduled to be voted on next month would require that animal shelters and businesses who sell animals to check the registry prior to adopting out or selling an animal and would prohibit such businesses from adopting or selling animals to registered abusers.

County legislators cited the strong correlation between animal abuse and domestic violence as one reason among many to pass the legislation.

### Dog Licensing

The second most important animal law news this fall is the decision by the New York State Department of Agriculture and Markets to discontinue that agency's involvement in the issuance and regulation of dog licenses<sup>1</sup>. The department has cited cost savings as the impetus for this decision.

Beginning in 2011 the department will no longer issue or regulate the licensure of dogs in the state of New York. The department will also cease to maintain its statewide database of licensed dogs which contains the rabies immunization status for such dogs. Instead each individual municipality will be responsible for its own database, procuring its own dog tags and setting licensing fees. This has raised a number of questions among dog owners and municipalities.

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<sup>1</sup> The Ag and Markets department currently oversees the licenses of approximately 600,000 dogs outside of the City of New York.

The bad news for dog owners is that now there will be no state regulations as to the cost of a dog license, although this is no doubt good news for the towns, cities and villages of New York State who will now be able to keep all the license fees collected instead of sharing the fees with the county and state as is the current procedure. The bad news for local municipalities is that municipal dog control officers will no longer have the benefit of a statewide rabies database.

Municipalities and their legal counsel should begin to consider the ramifications of this pending change to be prepared for questions from residents, a shift in revenue and possibly increased legal compliance issues.

### US v. Stevens con't

In the last Animal Law Update the US Supreme Court's decision regarding so called "crush videos" in *United States v. Stevens*<sup>2</sup> was discussed. As predicted, on July 21, 2010, in response to the Supreme Court's ruling, Representative Gallegly (R-CA) introduced H.R. 5566 which the U.S. House of Representatives voted 416-3 to approve. The new bill amends the Crush Act to give it a much narrower focus, but would still prohibit distributing, selling or offering to distribute or sell any depictions of animals being crushed, drowned, suffocated, impaled, or burned where such actions are illegal.

### Breed Specific Legislation

On July 20, 2010 after some highly publicized local outrage the Village of Rockville Centre on Long Island repealed a local law which went into effect on June 8, 2010 and effectively banned ownership of Rottweilers and American Pit Bull Terriers. The public outcry was justified as New York State is one of thirteen states that prohibit breed specific legislation. The prohibition is contained at §107(5) of the Agriculture and Markets Law and provides that no municipal dog control program shall regulate dogs in a manner that is specific to breed.

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<sup>2</sup> Slip Op. No. 08-769

Amendment of §§ 118 and 374 of the Ag and  
Markets Law

Substantive changes will soon be in effect which will give shelters, municipalities and humane societies the ability to release custody and control of all types of animals to other shelters and protective societies for the purpose of enhanced opportunities to adopt out animals. The prior laws restricted the transfer of dogs and cats by a pound or shelter to anyone other than an owner or a direct adoption to a new owner.

Other significant changes include removing the terms “dog” and “cat” and replacing it with the more encompassing term of “animal.”