

1 S.9

2 Introduced by Senator Ashe

3 Referred to Committee on

4 Date:

5 Subject: Crimes and criminal procedure; crime victims; Animal Abuse

6 Registry

7 Statement of purpose: This bill proposes to create a registry within the
8 Department of Public Safety with the names of individuals who have been
9 convicted of abusing animals.

10 An act relating to establishing an Animal Abuse Registry

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 13 V.S.A. chapter 8, subchapter 2 is added to read:

13 Subchapter 2. Animal Abuse Registry

14 § 356. DEFINITIONS

15 As used in this subchapter:

16 (1) "Animal abuser" means:

17 (A) A person convicted of cruelty to animals pursuant to section 352
18 of this title, aggravated cruelty to animals pursuant to section 352a of this title,
19 or an attempt to commit cruelty to animals or aggravated cruelty to animals.

1 (B) A person who takes up residence in this state, other than within a
2 correctional facility, and who has been convicted in any jurisdiction of the
3 United States of a crime, the elements of which would constitute a crime under
4 subdivision (A) of this subdivision (1) if committed in this state.

5 (2) “Conviction” means a judgment of guilty following a verdict or
6 finding of guilt, a plea of guilty, a plea of nolo contendere, an Alford plea, or a
7 judgment of guilty pursuant to a deferred sentence. An animal abuser whose
8 sentence is deferred shall have no duty to register after successful completion
9 of the terms of the deferred sentence agreement for the duration specified in
10 the agreement.

11 (3) “Department” means the Department of Public Safety.

12 (4) “Registry” means the Animal Abuse Registry maintained by the
13 Department of Public Safety.

14 § 357. ANIMAL ABUSE REGISTRY

15 (a) The Department of Public Safety shall establish and maintain an
16 Animal Abuse Registry which shall consist of the information required to be
17 filed under section 358 of this title.

18 (b) All information contained in the Registry may be disclosed for any
19 purpose permitted under the laws of this state, including use by:

20 (1) Local, state, and federal law enforcement agencies exclusively for
21 lawful law enforcement activities.

1 (2) State and federal agencies for the exclusive purpose of conducting
2 confidential background checks.

3 (3) Any employer, including a school district, who is authorized by law
4 to request records and information from the Vermont Criminal Information
5 Center.

6 (4) A pet merchant licensed under 20 V.S.A. § 3906, humane society,
7 animal rescue organization, or licensed veterinarian.

8 (5) A person identified as an animal abuser in the Registry for the
9 purpose of receiving the accuracy of any record relating to him or her.

10 (6) The probate division of the superior court for purposes of conducting
11 checks on persons applying for changes of name under 15 V.S.A. § 811.

12 § 358. REPORTING

13 (a) Upon conviction of an offense listed in section 352 or 352a of this title,
14 and prior to sentencing, the court shall order the animal abuser to provide the
15 court with the following information, which the court shall forward to the
16 Department forthwith:

17 (1) Name.

18 (2) Date of birth.

19 (3) General physical description.

20 (4) Current photograph.

1 (b) Within 10 days after sentencing, the court shall forward to the
2 Department the animal abuser's conviction record, including offense, date of
3 conviction, sentence, and any conditions of release or probation.

4 (c) An animal abuser convicted in another state shall report to the
5 Department within 10 days after either establishing residence in this state or
6 crossing into this state for purposes of employment, carrying on a vocation, or
7 being a student, and shall provide the information required by this section. An
8 animal abuser who violates this subsection shall be imprisoned for not more
9 than one year or fined not more than \$1,000.00, or both.

10 § 359. EXPUNGEMENT OF RECORDS

11 A person whose conviction of an animal abuse offense is reversed and
12 dismissed shall not be required to register for that conviction, and any
13 information about that conviction contained in the Registry shall be removed
14 and destroyed. If any information about that conviction was provided to any
15 person or agency under subsection 357(b) of this title, that person or agency
16 shall be notified that the conviction was reversed and shall be required to
17 remove and destroy the information. If the person whose conviction is
18 reversed and dismissed has more than one entry in the Registry, only the entry
19 related to the dismissed case shall be removed and destroyed.

20 Sec. 2. EFFECTIVE DATE

21 This act shall take effect on July 1, 2013.