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**NATIONAL ANIMAL ABUSE REGISTRY REFORM: TO BE  
EFFECTIVE AND PROVIDE PROSPECTIVE, A NATIONAL ANIMAL  
ABUSE REGISTRY MUST BE THE NEXT DIRECTIVE**

*Kaleigh M. Gorman\**

**I. INTRODUCTION**

“I made my first kill today. It was a loved one . . . I'll never forget the howl she made. It sounded almost human. . . I'll never forget the sound of her bones breaking under my might. It was true beauty.”<sup>1</sup> These cruel words were found in the diary of Luke Woodham.<sup>2</sup> He had written of the torture and killing of his pet dog, calling it his “first kill.”<sup>3</sup> Woodham continued this progression of violence by using a rifle to shoot down his mother and then opened fire at his high school, taking the lives of two other classmates and injuring seven others.<sup>4</sup>

When an individual abuses an animal the subsequent question to ask is who will be next? Individual stories provide undeniable evidence of the link between animal abuse and domestic violence, child

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\* Touro College Jacob D. Fuchsberg Law Center, J.D. Candidate 2021; St. Joseph's College, M.S. in Hospitality & Tourism, 2015. Thank you to my faculty advisor, John Linarelli, for his guidance and teachings and to the Law Review's faculty advisor, Professor Rena Sepowitz, for her support and assistance throughout the writing and editing process and for challenging me to apply for Editor-in-Chief of the Law Review. Next, thank you to the entire staff and editorial board of the Touro Law Review for being supportive and hardworking. This note was inspired by my passion for animals and created with the goal of bringing awareness into the community. Lastly, I would like to give special thanks to my friends and family for their love and support with every goal I set out to achieve. I highly encourage everyone ready to pledge to fight animal cruelty at <https://secure.aspca.org/take-action/ps-nonbrand-pledge-sl?ms>.

<sup>1</sup> Olivia S. Garber, *Animal Abuse and Domestic Violence: Why the Connection Justifies Increased Protection*, 47 U. MEM. L. REV. 359, 365 (2016).

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

<sup>4</sup> *Id.*

abuse, elder abuse, and psychopathic behavior.<sup>5</sup> Research dating back to the 1970s illustrates that animal abuse is an early indicator of future violent crimes.<sup>6</sup> Due to increasing research and persistent animal activists, a rising number of States and counties within the United States are giving thoughtful consideration to increasing their monitoring of animal abusers and strengthening animal cruelty laws.<sup>7</sup> These efforts include, but are not limited to, Animal Abuse Registration Acts.<sup>8</sup>

The need for uniform legislation is illustrated by the case of Shon Rahrig, who adopted numerous animals from an Ohio animal shelter and was later convicted of animal cruelty after brutally torturing them.<sup>9</sup> He began his torture by breaking the animal's jaws and legs, then progressed to poking out the eyes of the innocent creatures and for the grand finale sawed off their paws.<sup>10</sup> Rahrig was prohibited from owning an animal for five years as part of his sentencing.<sup>11</sup> However, Rahrig moved to California and disregarded the court's order by adopting more animals.<sup>12</sup> Despite being strictly prohibited by the court, Rahrig obtained additional animals.<sup>13</sup> The most convincing explanation for this tragic event is the lack of a uniform tracking system set in place to properly trace his actions and prevent him from continuing to abuse animals. Unfortunately, stories like these can be imagined quite easily. For example, a person placed on the animal abuser registry in Suffolk County, New York, can simply drive a few short miles and attempt to obtain an animal in Nassau County, New York, without even bothering to cross over state lines. This begs the question, how effective are the animal abuse registries currently implemented in this country?

Section II of this note discusses the background of animal cruelty laws in the United States. Section III focuses on society's need for Animal Registration Acts to detect past animal abuse that is

<sup>5</sup> *Id.* at 369.

<sup>6</sup> Sherry Ramsey, *Animal Abuse: Crimes and Concerns*, ARMY LAW., July 2016, at 23, 24. *See also* ROBERT K. RESSLER ET AL., *SEXUAL HOMICIDE: PATTERNS AND MOTIVES* (1988).

<sup>7</sup> *See, e.g.*, 510 Ill. Comp. Stat. Ann. 70/3.01 (2017).

<sup>8</sup> *E.g.*, Suffolk County, N.Y., Code ch. 299, art. IV (2010).

<sup>9</sup> Danielle K. Campbell *Animal Abusers Beware: Registry Laws in the Works To Curb Your Abuse*, 48 VAL. U.L. REV. 271, 271 (2013).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.* Rahrig was only sentenced to a ninety-day probation coupled with the restriction not to adopt animals for a five-year time span. *Id.*

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

evidence of a direct connection with future violence. Section IV discusses the history and significance behind the National Sexual Offender Registry and can provide guidance for the proposal of a National Animal Abuse Registry. Finally, Section V argues that Congress needs to enact a National Animal Abuser Registration Act to prevent animal abuse. This National Registry would directly improve the efficiency and overall purpose behind the existing animal cruelty laws, as well as protect animals from abuse, which are worthy goals.

## II. ANIMAL CRUELTY BACKGROUND

### A. General Overview

The social norm for individuals in the United States is to own a pet, particularly in households with families.<sup>14</sup> The 2017-2018 National Pet Owners Survey conducted by the Pet Products Association recorded that “[s]ixty-eight percent of U.S. households, or about 85 million families, own a pet.”<sup>15</sup> Society has also changed dramatically within the millennial generation. Statistics demonstrate a rapid decline in the number of children per household, while the numbers of pets are increasing.<sup>16</sup> Pets are commonly referred to as loved ones, rather than property that one owns. With all of these societal changes it is not surprising that States have ratified animal welfare laws to safeguard pets that the people of this country hold in such high regard.<sup>17</sup>

Throughout history, pets were only referred to as property; unfortunately, pets were not the only beings in our history to be regarded in this fashion. American history is stained with the chapter that classified “[t]hose beings who were believed to lack free will - women,

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<sup>14</sup>*Facts About the Link Between Violence to People and Violence to Animals*, ANIMAL HUMANE SOC'Y, [http://www.animalhumanesociety.org/webfm\\_send/8](http://www.animalhumanesociety.org/webfm_send/8) (last visited Aug. 15, 2019).

<sup>15</sup> The Humane Society of the United States, *Facts + Statistics: Pet statistics*, <https://www.hsi.org/fact-statistic/facts-statistics-pet-statistics> (last visited Sep. 14, 2019).

<sup>16</sup> *Opinion: Anthropomorphism and Our Pets: We're all guilty, but most of us don't even know what it is*, <https://www.thesprucepets.com/anthropomorphism-1118402>, (Jan. 12, 2019).

<sup>17</sup> Campbell, *supra* note 9, at 274.

children, the insane and nonhuman animals ... as property.”<sup>18</sup> Although our Country has significantly grown out of this method of thinking, animals are still blemished by this image. “Nonhuman animals never shed their property status, never had rights, and never were subject to duties. They were always classified as *res* and not as *personae*.”<sup>19</sup> Resilient animal advocates and forward-thinking legislators fought to convince States to enact felony anti-cruelty laws that would provide harsher consequences to animal abusers. These efforts were made to overcome the insensitive treatment based on the minor penalties imposed by the legal system on these animal abusers.<sup>20</sup> The way laws punish speaks to how society views the crime. Prior to 1993, merely six States implemented some form of animal cruelty provisions.<sup>21</sup> Today, all 50 States have enacted some degree of a high-level anti-cruelty law, and certain forms of animal cruelty are felonies in 47 States, the District of Columbia, Puerto Rico, Guam, and the Virgin Islands.<sup>22</sup>

## B. Types of Animal Cruelty

There are two main categories of animal cruelty: active and passive, also referred to as commission and omission, correspondingly.<sup>23</sup> Active cruelty or acts of commission “[i]mpl[y] malicious intent, where a person has deliberately and intentionally caused harm to an animal, and is sometimes referred to as Non-Accidental Injury (NAI).”<sup>24</sup> Examples of active cruelty are animal assault and bestiality.<sup>25</sup> Conversely, “[p]assive cruelty is typified by cases of neglect,

<sup>18</sup> Steven M. Wise, *The Legal Thinghood of Nonhuman Animals*, 23 B.C. ENVTL. AFF. L. REV. 471, 493 (1996).

<sup>19</sup> *Id.*

<sup>20</sup> Campbell, *supra* note 9, at 276 n.37.

<sup>21</sup> See *U.S. Jurisdictions With and Without Felony Animal Cruelty Provisions*, ANIMAL LEGAL DEF. FUND, <https://aldf.org/project/2018-us-state-rankings/> (last visited Jan. 2019) (listing all of the jurisdictions in the United States that have enacted felony animal cruelty laws and the years in which these laws were enacted). These six States include California (1988), Florida (1989), Massachusetts (1804), Oklahoma (1887), Rhode Island (1896), and Wisconsin (1986). *Id.*

<sup>22</sup> *Id.*

<sup>23</sup> *Animal Abuse*, <https://wildlife-rescue.org/services/advocacy/animal-abuse/> (last visited 2016).

<sup>24</sup> *Id.*

<sup>25</sup> *Id.*

where the crime is a lack of action rather than the action itself.”<sup>26</sup> Passive cruelty consists of starvation, dehydration, parasite infestations, animal hoarding, inadequate shelter in extreme weather conditions, and failure to seek veterinary care when an animal needs medical attention.<sup>27</sup>

Certain animal cruelty acts take place in private; others, however, occur “through the means of commercial exploitation including labor, fights, experimentation, and indiscriminate breeding.”<sup>28</sup> Although every State has identified these means of cruelty and passed legislation to protect animals from these horrendous acts, animal cruelty still remains prevalent throughout America.<sup>29</sup>

### C. Federal Animal Cruelty Initiatives

Prior to January 1, 2016, all animal offenses were grouped into the “All Other Offenses” category in the Federal Bureau of Investigation’s Uniform Crime Reporting (UCR) Program’s annual Crime in the United States report.<sup>30</sup> This report consisted of summarized crime data provided by law enforcement agencies.<sup>31</sup> However, after much research on the link between animal abuse and future crime, the “Bureau’s National Incident-Based Reporting System (NIBRS) began collecting detailed data from participating law enforcement agencies on acts of animal cruelty, including gross neglect, torture, organized abuse, and sexual abuse.”<sup>32</sup> Currently, only about thirty-one percent of the Country’s police departments participate in the system. However, the data produced will assist to create a stronger picture of animal abuse and guide strategies for intervention and enforcement.<sup>33</sup> Auspiciously, the FBI announced its newest efforts in this field; as of January 1, 2021, the National Incident-Based Reporting System (NIBRS) will be the Uniform Crime Reporting Program’s data standard with the

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> Campbell, *supra* note 9, at 279 n.47.

<sup>29</sup> *Pet Statistics*, ASPCA, <https://www.aspc.org/animal-homelessness/shelter-intake-and-surrender/pet-statistics> (last visited January 2020).

<sup>30</sup> *Tracking Animal Cruelty, FBI Collecting Data on Crimes Against Animals*, (Feb. 1, 2016), <https://www.fbi.gov/news/stories/-tracking-animal-cruelty>.

<sup>31</sup> *Id.*

<sup>32</sup> *Id.*

<sup>33</sup> The Humane Society of the United States, *supra* note 15.

anticipation that a significant part of the Country will participate.<sup>34</sup>

While the NIBRS initiative will have a significant impact on the way crime is tracked and analyzed, for agencies transitioning to NIBRS, the system carries new challenges around data collection and reporting.<sup>35</sup> The first challenge is officer accountability; data is only as good as its input into the system and the NIBRS codes are not currently “officer friendly,” therefore there will be much time spent on inputting and correcting this data.<sup>36</sup> The second challenge is report integrity; State laws and NIBRS mappings do not always match, causing concerns for officers when choosing offenses to add to a report, thus an officer’s account of the offense can change based on what NIBRS labels “acceptable.”<sup>37</sup> The third challenge is records team efficiency; the increase in data collection will unavoidably call for more work for record users and this extra work will also be an issue for over-time costs.<sup>38</sup>

Another Federal initiative is the Animal Welfare Act that was passed in 1966.<sup>39</sup> The purpose of the act is to “foster humane treatment and care of animals.”<sup>40</sup> This act directs the Secretary of the U.S. Department of Agriculture (USDA) to “promulgate standards to govern the humane handling, care, treatment, and transportation of animals by dealers, research facilities, and exhibitors”<sup>41</sup> and to “govern the transportation in commerce, and the handling, care, and treatment in connection therewith, by intermediate handlers ... for transportation in commerce.”<sup>42</sup> Pursuant to the Animal Welfare Act, the Animal and Plant Health Inspection Service is responsible for disseminating regulations concerning these animals within the USDA.<sup>43</sup>

Most recently, Congress enacted The Preventing Animal Cruelty and Torture (PACT) Act, a Federal law making it a Federal crime

<sup>34</sup> *FBI: UCR*, <https://ucr.fbi.gov/nibrs/2018>, (last visited July 2020).

<sup>35</sup> Ellie Bennett, *3 Key Challenges of NIBRS Reporting for Law Enforcement Agencies*, (May 20, 2020), <https://www.mark43.com/3-key-challenges-of-nibrs-reporting-for-law-enforcement-agencies/>.

<sup>36</sup> *Id.*

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> The Animal Welfare Act of Aug. 24, 1966, Pub. L. No. 89-544, § 1, 80 Stat. 350, 350 (1996).

<sup>40</sup> *DeHart v. Town of Austin*, 39 F.3d 718, 722 (7<sup>th</sup> Cir. 1994) (citing 7 U.S.C § 2131 (1998)).

<sup>41</sup> 7 U.S.C § 2143(a)(4) (2012).

<sup>42</sup> *See id.* § 2143(a)(1).

<sup>43</sup> 9 C.F.R. §§ 3.75-.92 (2016).



for any individual to intentionally engage in animal cruelty if it substantially affects, or uses a means or facility of, interstate or foreign commerce.<sup>44</sup> Federal agents and prosecutors will now have the necessary tools they need to pursue assailants who commit malicious acts of animal cruelty within federal jurisdiction with the full vigor of felony penalties.<sup>45</sup> Animal humane treatment groups that have worked tirelessly to encourage more protective laws have labeled this new law as “a defining moment for establishing federal protections for animals.”<sup>46</sup> While this Act does not provide for an animal abuse registry, the legislative history is informative in finding a need for a National animal abuse registry. Congress makes clear that this Act was enacted because the statutory definition of animal cruelty did not even require that the conduct be cruel, encompassed depictions of unlawful conduct unrelated to cruelty, and banned depictions of conduct which could be lawful in one state but not in another state.<sup>47</sup> Therefore, this Act demonstrates a need for federal uniformity in the animal cruelty area due to inconsistencies among the States.

The implementation of federal laws and reporting strategies responds to a substantial need for increased attention by law enforcement to incidents of animal abuse. While these steps are positive, there are opportunities for improvement. In particular, the Bureau’s National Incident-Based Reporting System only displays summative information and only discloses a crime occurrence with no granular details.<sup>48</sup> Animal advocates, such as Dr. Mary Lou Randour of the Animal Welfare Institute, hoped that the information required for the new animal cruelty data would be more specific to include “information that law enforcement and victim services would be able to better target their intervention efforts with respect to both animal cruelty and those crimes for which animal cruelty serves as a marker.”<sup>49</sup>

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<sup>44</sup> Preventing Animal Cruelty and Torture Act § 2, 18 U.S.C. § 48 (2018).

<sup>45</sup> The Humane Society, Extreme animal cruelty can now be prosecuted as a federal crime, <https://www.humanesociety.org/news/extreme-animal-cruelty-can-now-be-prosecuted-federal-crime> (November 25, 2019).

<sup>46</sup> *Id.*

<sup>47</sup> 18 U.S.C.S. § 48 (LexisNexis, Lexis Advance through Public Law 116-146, approved July 2, 2020).

<sup>48</sup> The Animal Welfare Act of Aug. 24, 1966, Pub. L. No. 89-544, §1, 80 Stat. 350, 350 (1996).

<sup>49</sup> FBI, *supra* note 30.



#### D. State Animal Cruelty Laws

Each of the 50 States now has felony animal cruelty laws.<sup>50</sup> The Animal Legal Defense Fund (ALDF) created the U.S. Animal Protection Laws State Rankings, which highlights specific strengths and weaknesses in each jurisdiction's animal protection laws.<sup>51</sup> Some of these *strengths* include “legal mechanisms for pre-conviction forfeiture of cruelly treated animals, peace officers having a duty to enforce animal cruelty laws,”<sup>52</sup> “other agencies or departments having a duty to report suspected animal cruelty,” and protection orders extended to animals.<sup>53</sup> Another strength identified is jurisdictions with an animal abuser registry.<sup>54</sup>

### III. THE LINK BETWEEN ANIMAL ABUSE AND DOMESTIC VIOLENCE AND OTHER VIOLENT CRIMES

One of the key motivations for establishing a national animal abuser registry is the relationship between animal abuse and other forms of violence. The Societies for the Prevention of Cruelty to Animals (SPCAs) started to develop in America around the beginning of the nineteenth century; the purpose of these groups was to educate individuals about the undeniable connection between animal cruelty and other acts of violence.<sup>55</sup> This theory was not considered factually supported at the time; therefore, courts considered this information to be unpersuasive.<sup>56</sup> Today, however, “psychologists have been able to

<sup>50</sup> See *U.S. Jurisdictions With and Without Felony Animal Cruelty Provisions*, ANIMAL LEGAL DEF. FUND, <https://aldf.org/project/2018-us-state-rankings/> (last visited Jan. 2019).

<sup>51</sup> Animal Legal Def. Fund, 2018 U.S. Animal Protection Laws Rankings, 2, <https://aldf.org/project/2018-us-state-rankings/>. (2018) (“The number of strengths or weaknesses listed varies based upon the jurisdiction’s rank as follows: the top tier States have three strengths and two weaknesses, the middle tier has two strengths and three weaknesses, and the bottom tier has one strength and four weaknesses.”).

<sup>52</sup> *New York, 2018 U.S. State Rankings for Animal Protection Laws*, <https://aldf.org/project/2018-us-state-rankings-new-york/> (Sep. 2018).

<sup>53</sup> *Tennessee, 2018 U.S. State Rankings for Animal Protection Laws*, <https://aldf.org/project/2018-us-state-rankings-tennessee/> (Sep. 2018).

<sup>54</sup> Animal Legal Def. Fund, *supra* note 50.

<sup>55</sup> See Campbell, *supra* note 9, at 278 n.45.

<sup>56</sup> See, e.g., *Stevens v. State*, 3 So. 458, 459 (Miss. 1888).

confirm the existence of this link through various studies.”<sup>57</sup> For instance, there is a high correlation between the cruelty of dog fighting and cock fighting with the rates of “gambling, drug offenses, illegal weapons, and gang activity.”<sup>58</sup>

Deliberate animal cruelty is particularly troublesome because it is a sign of psychological anguish and frequently reveals that an individual may be predisposed to committing acts of violence towards humans.<sup>59</sup> The American Psychiatric Association categorizes cruelty to animals as one of the diagnostic standards for conduct disorders, and the FBI utilizes reports of animal cruelty in evaluating the threat potential of suspected and known criminals.<sup>60</sup>

The abuse of animals is highly correlated with future violence, such as domestic abuse, child abuse, serial killings, and school shootings, among many more.<sup>61</sup> Section A discusses the inextricably intertwined link between animal cruelty and family violence. This section explores both domestic violence and child abuse. Section B analyzes the link between animal cruelty and serial killers. Section C discusses the connection between animal cruelty and school shooters.

### A. Family Violence

Animal abuse and family violence correspond because the victims of domestic violence, child abuse, and animal abuse all share a collective characteristic: “their abusers are preying on the weak, vulnerable, and powerless.”<sup>62</sup> Generally, the abuser and the victim have a connection based on “economic dependence, strong emotional bonds, and an enduring sense of loyalty. When there is violence against a spouse, child or animal within a home, the violence is rarely limited to just one form of abuse and one type of victim.”<sup>63</sup> Often

<sup>57</sup> Campbell, *supra* note 9, at 278.

<sup>58</sup> *Dogfighting*, PETA, <http://www.peta.org/issues/animals-in-entertainment/dogfighting.aspx> (last visited Sept. 20, 2012) (On April 3, 2018 the American Society for the Prevention of Cruelty to Animal distributed the results of a national poll measuring the gap between the public’s awareness and understanding of dogfighting and its actual prevalence in the United States.).

<sup>59</sup> The National Human Education Society, *Animal Abuse Registries*, <https://www.nhes.org/animal-abuse-registries/> (2019).

<sup>60</sup> *Id.*

<sup>61</sup> Garber, *supra* note 1, at 369.

<sup>62</sup> Garber, *supra* note 1, at 362.

<sup>63</sup> *Id.*

times, an intimate partner or parent abuser will use a pet as a pawn “to manipulate and control his human victim.”<sup>64</sup>

The National Link Coalition<sup>65</sup> produced a study stating that one of the four most noteworthy risk factors for becoming a domestic violence batterer is a history of animal abuse.<sup>66</sup> Additionally, the correlation among child abuse, animal abuse, and relational violence manifests itself through an unceasing chain of events. Findings demonstrate that adolescents who are exposed to animal abuse are likely to be victims of abuse themselves or become future aggressors.<sup>67</sup>

The fear of animal abuse may also lead to increased domestic violence because of the reluctance of battered women to leave their pets. One study reported that as many as “48 percent of the battered women responding to surveys said they delayed leaving a dangerous situation out of concern for their pets’ safety.”<sup>68</sup> Therefore, in 2015, two congresswomen proposed the Pets and Women Safety Act (PAWS Act) to extend “protection to pets under federal stalking laws and interstate violation of protection orders.”<sup>69</sup> In January 2019 Congress passed this Act to emphasize the importance for all States to allow for the inclusion of companion animals in domestic violence orders of protection.<sup>70</sup>

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<sup>64</sup> *Id.* at 369 (“In some cases, offenders even force their human victims to watch acts of bestiality.”). See also Allie Phillips, Nat’l Dist. Att’ys’ Ass’n, *Understanding the Link Between Violence to Animals and People: A Guidebook for Criminal Justice Professionals* 27 (2014), <http://nationallinkcoalition.org/wp-content/uploads/2014/06/Allies-Link-Monograph-2014.pdf> (In one case, an abusive husband forced his wife and three children to watch as he sexually assaulted the family’s dog before he shot and killed the pet.)

<sup>65</sup> *The National Link Coalition*, <https://nationallinkcoalition.org/> (last visited June 2020).

<sup>66</sup> *The Link: How You Can Use It to Inform Your Work*, NAT’L LINK COALITION, <http://nationallinkcoalition.org/wp-content/uploads/2013/01/LinkSummaryBrochure3-panel.pdf> (last visited Oct. 23, 2012).

<sup>67</sup> Garber, *supra* note 1, at 362.

<sup>68</sup> *Animal Welfare Institute, Pet And Women Safety (PAWS) Act*, <https://awionline.org/content/pet-and-women-safety-paws-act> (2019) (“Removing this roadblock to their leaving is essential to the safety of these survivors.”).

<sup>69</sup> Pets and Women Safety Act of 2015, H.R. 1258, 114th Cong. (2015). Pets and Women Safety Act of 2015, H.R. 1258, 114th Cong. (2015). See, e.g., Garber, *supra* note 1, at 373.

<sup>70</sup> *Id.*

## B. Serial Killers

From 1977 to 1983, the FBI undertook an extensive analysis of thirty-six incarcerated repeat-murderers, discovering that a majority of these criminals had committed animal cruelty in the past.<sup>71</sup> Two special FBI agents continue to analyze this research and commit themselves to solely studying animal cruelty.<sup>72</sup> These researchers have recognized three main warning signs that are frequently discovered in the history of serial murderers that include: “bed-wetting, fire-starting, and animal torture.”<sup>73</sup> They have also found that “animal torture is not a stage for these people in childhood; rather, it serves as rehearsal.”<sup>74</sup> Many studies suggest that serial killers possess a sense of rejection, either actual or perceived, and rather than going after the particular culprit who led to these feelings of rejection, they start with something that is weaker or vulnerable.<sup>75</sup> In a serial killer’s mind, that description is often synonymous with animals. “It’s a matter of power.”<sup>76</sup>

From 1978 to 1991, the infamous Jeffrey Dahmer murdered and cannibalized at least seventeen men and boys.<sup>77</sup> A later investigation revealed that his acts of torture and killing started with animals when he was a child.<sup>78</sup> He “nail[ed] live frogs to trees, cut open goldfish to see how their innards worked, and perform[ed] impromptu surgery on stray dogs and cats.”<sup>79</sup>

The “Boston Strangler” also known as Albert DeSalvo confessed that as a child, prior to murdering thirteen women, he “shot arrows through orange crates containing cats and dogs.”<sup>80</sup> Moreover,

<sup>71</sup> Elizabeth Hess, *Cruelty on the Couch*, N.Y. MAG., <http://nymag.com/nymetro/news/crimelaw/features/2091/> (last visited Sept. 3, 2013).

<sup>72</sup> *Id.*

<sup>73</sup> Campbell, *supra* note 9, at 282.

<sup>74</sup> *Id.*

<sup>75</sup> Sarah Watts, *Real Crime: First They Tortured Animals, Then They Turned to Humans*, <https://www.aetv.com/real-crime/first-they-tortured-animals-then-they-turned-to-humans> (Jan. 3, 2018).

<sup>76</sup> *Id.*

<sup>77</sup> *Jeffrey Dahmer*, ANIMAL LEGAL DEF.

FUND, <http://aldf.org/article.php?id=1213> (last visited Nov. 22, 2012).

<sup>78</sup> See Angela Campbell, *The Admissibility of Evidence of Animal Abuse in Criminal Trials for Child and Domestic Abuse*, 43 B.C. L. Rev 463, 467 (2002).

<sup>79</sup> Campbell, *supra* note 9, at 282.

<sup>80</sup> See Margit Livingston, *Desecrating the Ark: Animal Abuse and the Law's Role in Prevention*, 87 IOWA L. REV. 1, 44-45 (2001).

David "Son of Sam" Berkowitz admitted that he previously shot and killed his neighbor's Labrador retriever after claiming the dog was directing him to kill others.<sup>81</sup> There is evidence that Berkowitz would perform satanic animal sacrifices and bury the bodies of German shepherds in a neglected garden sprawl less than a mile from his home.<sup>82</sup> The animal sacrifices were followed by six murders in New York City.<sup>83</sup> Subsequent to these acts of animal cruelty Mr. Berkowitz pled guilty to thirteen murders and attempted murders.<sup>84</sup> These examples are only a handful of horrific acts that clearly show animal abuse is a precursor to greater crimes.

Additionally, individuals who have a technique of abusing animals, such as by strangulation, normally utilize the same technique to hurt human beings. A well-known example of this behavior is the serial killer Henry Lee Lucas.<sup>85</sup> Lucas preferred to slit the throats of animals as he sexually abused them, and ultimately, he used this same horrific method on women.<sup>86</sup> If these disturbed individuals, with systematic abusive methods, were documented in a uniform tracking system then law enforcement would have a powerful tool to use when trying to find a culprit at large. This research clearly demonstrates a powerful link between animal cruelty and future violence against human beings.<sup>87</sup>

Nevertheless, this information is set in hindsight. This research demonstrates a grave need to take this information and create a tool that can solve these societal concerns. It is critical that the legislature implement the results of these studies to allow for law enforcement to better equip themselves. With more detailed information police can use these insights to find killers sooner and prevent many needless deaths.

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<sup>81</sup> *Id.* at 43.

<sup>82</sup> Adam Janos, Real Crime, <https://www.aetv.com/real-crime/did-son-of-sam-david-berkowitz-act-alone> (June 19, 2019).

<sup>83</sup> *Id.*

<sup>84</sup> See Livingston, *supra* note 80, at 43.

<sup>85</sup> Watts, *supra* note 75.

<sup>86</sup> *Id.* The act of an individual engaging in sexual intercourse with an animal is referred to bestiality. *Id.*

<sup>87</sup> A 2001-2004 report by the Chicago Police Department demonstrated an astonishing propensity for offenders charged with crimes against animals to commit other violent offenses toward human victims. "Of those arrested for animal crimes, 65 percent had been arrested for battery against another person." The Humane Society, <https://www.humanesociety.org/resources/animal-cruelty-and-human-violence-faq#connection> (last visited July 31, 2020).

### C. School Shooters

Law enforcement responding to animal abuse calls should be conscious that often these types of offenses are a “window into the home,” providing insight to potential other wrongdoings.<sup>88</sup> Studies of school shooters have shown that animal abuse is a “precursor to ... more heinous crimes.”<sup>89</sup> A study of nine students who committed deadly school shootings in the late 1990s uncovered that six of them were known to have abused animals.<sup>90</sup> Another study revealed that out of seven school shootings that took place across the country between 1997 and 2001, all involved boys who had previously committed acts of animal abuse.<sup>91</sup> An example is 15-year-old Kip Kinkel.<sup>92</sup> In May 1998, Kinkel fatally shot his parents before discharging three guns at his classmates at Thurston High School, leaving one dead and twenty-six injured.<sup>93</sup> Kinkel frequently bragged to his peers at school about the ways in which he would torture animals.<sup>94</sup>

Furnished with this knowledge of interrelated crimes, co-occurring offenses, and animal cruelty as a potential indicator of other violent crimes, law enforcement will be better equipped to address the entire system of violence surrounding animal abuse cases. Nevertheless, this knowledge is only useful if there is an efficient tracking system in place to synchronize the data to be better suited to deter future crimes and detect individualized patterns of violence.

## IV. NATIONAL SEX OFFENDER REGISTRY

One of the most essential types of criminal registries in this country, which can serve as a model for the proposal of a National Animal Abuser Registry, is the National Sex Offender Registry. While this registry is now nationwide, it has experienced major vicissitudes

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<sup>88</sup> National Sheriffs’ Association. *Animal Cruelty as a Gateway Crime*. Washington, DC: Office of Community Oriented Policing Services. 1, 2 (2018).

<sup>89</sup> *Id.*

<sup>90</sup> *Id.* at 8.

<sup>91</sup> The Humane Society, *supra* note 15.

<sup>92</sup> National Sheriffs’ Association, *supra* note 88, at 8.

<sup>93</sup> *Id.*

<sup>94</sup> *Id.*



since its creation.<sup>95</sup> Prior to the implementation of a nationally recognized registry, States had independently enacted their own version of a Sex Offender Registry.<sup>96</sup> Although the data collected was consistent throughout the States, the transmission of information among States was severely lacking and thus became ineffective.<sup>97</sup> Congress, recognizing a great societal need, enacted the Wettlering Act.<sup>98</sup> This Act “established a statutory ‘baseline’” standard and enabled the Attorney General to establish guidelines governing state programs that register the addresses of persons convicted of a “criminal offense against a . . . minor” or a “sexually violent offense,” as well as persons determined to be “sexually violent predator[s].”<sup>99</sup> The next progression was in 1996 when Megan’s Law was passed.<sup>100</sup> Megan’s Law mandated States to reveal information “when necessary to protect the public.”<sup>101</sup> As a result, most States developed sex offender websites to make the public aware of these criminals.<sup>102</sup> In 2005, the National Sex Offender Public Registry (NSOPR) was commenced by the United States Department of Justice.<sup>103</sup> The NSOPR initiative made each State’s registry collectively searchable in an official manner.<sup>104</sup>

The enactment of the Adam Walsh Child Protection and Safety Act (Adam Walsh Act) was the next modification in the Sex Offense Registry evolution.<sup>105</sup> Title I of the Act is called the Sex Offender Registration and Notification Act (SORNA).<sup>106</sup> SORNA is supported by a federal funding incentive for States to implement standards for the sex offender registries.<sup>107</sup> Each legislative change derived or resulted

<sup>95</sup> Stacy A. Nowicki, *On The Lamb: Toward A National Animal Abuser Registry*, 17 ANIMAL L. 197, 203 (2010).

<sup>96</sup> Lori McPherson, *The Sex Offender Registration And Notification Act (SORNA) At 10 Years: History, Implementation, and The Future*, 64 DRAKE L. REV. 741, 747 (2016).

<sup>97</sup> *Id.* at 748.

<sup>98</sup> *Id.* at 748-49.

<sup>99</sup> *Id.* at 749 (States when applying and maintaining these procedures utilize the guidelines provided by the Attorney General.).

<sup>100</sup> *Id.* at 751.

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> *Id.* at 752.

<sup>104</sup> *Id.* (All 50 States currently participate and the initiative is referred as the Dru Sjodin National Sex Offender Public Website.).

<sup>105</sup> *Id.* at 758 (The Adam Walsh Act was enacted in 2006.).

<sup>106</sup> *Id.*

<sup>107</sup> *Id.*



from horrific tragedies. The driving force behind the creation of the Adam Walsh Act was a father's voice for change after the brutal abduction and murder of his innocent six-year-old son.<sup>108</sup>

The evolution of the National Sex Offender Registration Acts should serve as a model for an Animal Abuser Registration Act. Currently, animal abuse registries are facing an analogous difficulty to that of the sex offender registries before federal legislation. While the data collected by the several States and counties that have animal abuse registries are somewhat consistent, the transmission of information among States is severely lacking and thus the data and transmission of such information is ineffective. Therefore, the enactment of a federal law similar to the Wetterling Act could establish a statutory baseline standard and enable the Attorney General to establish guidelines governing state programs that register the addresses of persons convicted of animal abuse. Moreover, a federal animal abuse registry law based on Megan's law and the Adam Walsh Act could mandate States to disclose information when necessary to protect the public and create a National Animal Offender Public Registry that could make each State's registry collectively searchable in an official manner.

## **V. A PROPOSAL FOR A NATIONAL ANIMAL ABUSE REGISTRATION ACT**

The proposal for a National Animal Abuse Registration Act, based on the National Sexual Offender Registry Act model, can help to fulfill a great societal need. This implementation will serve as a preventive measure, useful tracking device, and a deterrent to animal abuse. A federal act creating a uniform set of mandates for each State to follow to maintain an efficient registry would create an integrated system that will achieve the goal of maintaining animal and human safety.

### **A. Current Efficiency of Animal Abuse Registries**

Using the backdrop of decades of research and statistics exposing the link between animal abuse and interpersonal violence, many

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<sup>108</sup> History, Six-year-old Adam Walsh is abducted, <https://www.history.com/this-day-in-history/adam-walsh-is-abducted> (Jun. 2, 2020).

States have enacted laws aimed at detecting, preventing, and treating these often-interrelated forms of familial abuse. In 2010, Suffolk County moved to create the nation's first animal abuse registry, requiring people convicted of animal cruelty to register or face jail time and fines.<sup>109</sup> "We know there is a very strong correlation between animal abuse and domestic violence, and almost every serial killer starts out by torturing animals, so in a strange sense we could end up protecting the lives of people," stated Suffolk County legislator Jon Cooper, the bill's sponsor.<sup>110</sup> The Suffolk County ordinance requires all individuals convicted of an animal abuse crime, over the age of 18 and residing in Suffolk County, to register with the Suffolk County Animal Abuse Registry at a Suffolk County Police precinct within five days of their incarceration release.<sup>111</sup> Persons that remain on the registry shall be prohibited from buying or adopting a pet from a shelter, pet shop or breeder.<sup>112</sup> Moreover, the registry is operated by the Suffolk County Police Department and the information is open to the public domain, pet owners or the merely curious.<sup>113</sup>

Animal welfare activist groups, such as the Humane Society of the United States, correctly anticipated this law would encourage governments nationwide in the same way Megan's Law registries for child molesters have flourished in the past decade. This enactment appeared to attract attention from other jurisdictions, which led to eighteen different jurisdictions within several States proposing thirty-four bills the next year.<sup>114</sup> Three counties in New York, including Albany County, Rockland County and Westchester County, enacted what became the second, third, and fourth-animal abuser registries in the nation.<sup>115</sup> Following quickly, New York City<sup>116</sup> voted unanimously in 2013 to enact a registry for animal abusers. These five jurisdictions within New York have been successful in creating animal abuser registries.

<sup>109</sup> Suffolk County, N.Y., Code ch. 299, art. IV (2010).

<sup>110</sup> Larry Leibowitz, Animal Abuse Registry: First-in-Nation Law in NY County Sick of Cruelty, <https://www.cbsnews.com/news/animal-abuse-registry-first-in-nation-law-in-ny-county-sick-of-cruelty/> (October 18, 2010).

<sup>111</sup> Suffolk County, N.Y., Code ch. 299-28, art. IV (2010).

<sup>112</sup> *Id.*

<sup>113</sup> *Id.*

<sup>114</sup> Leibowitz, *supra* note 110 (These States include, among others, California, Florida, and Illinois); Animal Law Resource Center, <http://www.animallaw.com/Model-Law-Animal-Abuse-Registry.cfm> (last visited 2014).

<sup>115</sup> Rockland County, N.Y., Code §§ 230-4, -12 (2016); Albany County, N.Y., Local Law "K" for 2011 (Oct. 11, 2011) (Westchester County, N.Y., Code § 680 (2016)).

<sup>116</sup> NYC Administrative Code 17-1601.

However, each jurisdiction has slightly different requirements and, like all jurisdictions, they have a limited range to enforce each requirement. These common requirements include: the minimum age for an offender to register, the length of time an offender must remain on the registry, public exposure of the registry, fees, and the consequences for failing to register.<sup>117</sup> Although a majority of New York State registries are made public, a significant concern with these registries is their inability to share information among the different counties in the same State as well as with other States.

During the 2011-12 Regular Sessions, legislation was introduced in the New York State Assembly to enact an act to amend the agriculture and markets law, in relation to establishing a *statewide* animal abuser registry with community notification requirements.<sup>118</sup> The justification behind the bill was to “combat animal cruelty and abuse and to stop repeat offenders.”<sup>119</sup> Currently, the New York State Assembly Bill has not been passed, the most current documentation on the bill is a memorandum in support of legislation presented on January 30, 2017 and the resulting status is labeled to be determined.<sup>120</sup>

In contrast, in 2015, Tennessee became a State innovator in this area of law. The creation of the Tennessee Animal Abuser Registration Act was this country’s first statewide animal abuse registry.<sup>121</sup> Tennessee’s Bureau of Investigations (TBI) monitors the registry located on the TBI website and is available to anyone.<sup>122</sup> Tennessee’s registry includes the birthdate, home address, and name of the convicted animal abuser.<sup>123</sup> Tennessee’s registry should serve as a model for other States to expand the strength and scope of protection of their animal cruelty laws. By collecting statewide data, the State has outfitted itself with advantages to achieve the purpose behind the animal

<sup>117</sup> Rockland County, N.Y., Code §§ 230-4, -12 (2016); Albany County, N.Y., Local Law "K" for 2011 (Oct. 11, 2011) (Westchester County, N.Y., Code § 680 (2016)). (NYC Administrative Code 17-1601); Suffolk County, N.Y., Code ch. 299, art. IV (2010).

<sup>118</sup> [https://assembly.state.ny.us/leg/?default\\_fld=&leg\\_video=&bn=A03713&term=2017&Summary=Y&Actions=Y&Committee%2526nbspVotes=Y&Floor%2526nbspVotes=Y&Memo=Y&Text=Y](https://assembly.state.ny.us/leg/?default_fld=&leg_video=&bn=A03713&term=2017&Summary=Y&Actions=Y&Committee%2526nbspVotes=Y&Floor%2526nbspVotes=Y&Memo=Y&Text=Y) (Jan. 2018).

<sup>119</sup> *Id.*

<sup>120</sup> *Id.* Currently, there are no public statements discussing the opposition to this bill.

<sup>121</sup> Tenn. Code Ann. § 40-39-103 (2015).

<sup>122</sup> *Id.*

<sup>123</sup> *Id.*

abuse registries, to deter animal abuse, protect animals, and equip law enforcement with the knowledge of animal abuse that is heavily correlated with interrelated violent crimes against humans.

Additional jurisdictions that have adopted animal abuser registries are Cook County, Illinois and Hillsborough County, Florida.<sup>124</sup> These registries became effective in 2016 and have been successfully implemented.<sup>125</sup> Within the same year as Hillsborough County's enactment, Marion County enacted an ordinance for an animal abuse registry, called "Molly's Law."<sup>126</sup> This law was named after an American Boxer mix that was tortured with a baseball bat suffering a fractured skull, and had been stabbed with a knife through the top of her head three times.<sup>127</sup>

While these acts have made traction, these enactments are only countywide initiatives and have not followed Tennessee's leadership in creating a statewide registry. Unfortunately, Tennessee maintains the only statewide registry in the United States.

## B. Criticism of Animal Abuse Registration Acts

Throughout the last decade, numerous States that have introduced bills to create an animal abuser registry have been unsuccessful.<sup>128</sup> Alaska presented the first statewide initiative in 1996; however, the bill failed to make it past the State's Judiciary Committee.<sup>129</sup> Subsequently, in 2002, Colorado introduced a statewide Animal Abuser Registration Act that received support from the Colorado General Assembly.<sup>130</sup> The bill was passed in the Senate and then assigned to the House State, Veterans, & Military Affairs Committee, where it was

<sup>124</sup> Cook County, Illinois Code of Ordinances Sec. 46-40 (2016); Marion County, Florida Code of Ordinances Sec. 4-15 (2016); Hillsborough County, Florida Code of Ordinance Sec. No. 16-18 (2016).

<sup>125</sup> Cook County, Illinois Code of Ordinances Sec. 46-40 (2016); Marion County, Florida Code of Ordinances Sec. 4-15 (2016).

<sup>126</sup> Nicki Gorny, *Marion to Introduce Animal Abuser Registry Through 'Molly's Law,'* Ocala STAR BANNER, Oct. 4, 2016, available at <http://www.ocala.com/news/20161004/marion-to-introduce-animal-abuser-registry-through-mollys-law>.

<sup>127</sup> *Id.*

<sup>128</sup> Nowicki, *supra* note 95, at 221 n.217.

<sup>129</sup> *Id.* at 222 n.218.

<sup>130</sup> *Id.* at 222 n.224.

deferred indefinitely.<sup>131</sup> One year later, Rhode Island introduced a statewide registry but the bill never succeeded.<sup>132</sup>

Committee notes and reports reflect the reasoning behind the failure to enact legislation. The reasoning was most often associated with the criticism that animal abuse registries generally attract.<sup>133</sup> These criticisms include constitutional limits, effectiveness, community notification aspects, and funding concerns.<sup>134</sup> A significant number of jurisdictions that failed to enact legislation are a result of potential and past challenges that are often against other registries, such as the Sex Offender Registry.<sup>135</sup> These potential challenges are detailed below.

Certain animal welfare activist groups, including the American Society for the Prevention of Cruelty to Animals (ASPCA), hold the view that animal abuse registries are ineffective as currently implemented.<sup>136</sup> The ASPCA remarks, “we now have almost a decade of experience with proposed or enacted animal abuse registries. Several concerns have been raised that call into question the effectiveness of these programs and have led us to consider alternative approaches.”<sup>137</sup> The ASPCA’s substantive concerns regarding animal abuse registries embody the criticism that is generally aligned with current animal abuse registries. A dive into these apprehensions will help identify the specific concerns behind the over broadened and overused stigmas.

### *i. Constitutional Challenges*

An examination of constitutional contentions challenging a State’s sex offender registry laws can help identify and resolve any parallel issues that could potentially be brought against a State’s animal abuser registry laws. In 2002, a challenge was made against the constitutionality of Megan’s Law and presented to the United States

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<sup>131</sup> *Id.* at 223 n.227.

<sup>132</sup> *Id.* at 221 n.234.

<sup>133</sup> Campbell, *supra* note 9, at 311.

<sup>134</sup> *Id.*

<sup>135</sup> *Id.* at 309.

<sup>136</sup> ASPCA, *Position Statement On Animal Abuser Registries*, <https://www.aspca.org/about-us/aspca-policy-and-position-statements/position-statement-animal-abuser-registries>, (last visited 2019).

<sup>137</sup> *Id.*

Supreme Court in *Connecticut Department of Safety v. Doe*.<sup>138</sup> A convicted sex offender contended that Megan's Law violated his due process rights under the Constitution.<sup>139</sup> The defendant argued that his liberty interest was violated because the Due Process Clause requires that a convicted sex offender under Megan's law receive a hearing to determine whether he is considered "currently dangerous" prior to the release of their information on the registry and he was not afforded this hearing.<sup>140</sup> The Supreme Court held that the act's purpose was for a civil and non-punitive way of recognizing former sex offenders for protection of the public and thus constitutional.<sup>141</sup> The Supreme Court further held that due process does not require the opportunity for a defendant to prove an immaterial fact to the State's statutory scheme.<sup>142</sup> In this case, because Connecticut's registry, like most other sex offender registries, requires *all* sex offenders to register and not just ones that are labeled currently dangerous, this fact was immaterial.<sup>143</sup>

Similarly, the State has a legitimate interest in safeguarding the public from animal abusers.<sup>144</sup> Courts can view sex offender registries and animal abuse registries in the same vein, as civil and non-punitive ways of recognizing former sex or animal offenders to protect the public and thus avoid constitutional violations. Moreover, because federal circuit courts, such as the Eleventh Circuit, have found that sex offenders are not a suspect class, animal abusers should also not be considered a suspect class. Therefore, courts should apply "rational basis scrutiny in analyzing animal abuser registry legislation."<sup>145</sup>

## ii. *Funding Concerns*

Animal Abuse Registries have only existed since 2010.<sup>146</sup> Suffolk County, New York and all other current registries charge a fee, approximately \$50-\$100 annually, to be paid by every person required

<sup>138</sup> *Connecticut Dep't of Pub. Safety v. Doe*, 538 U.S. 1, 7-8 (2003).

<sup>139</sup> *Id.* at 4.

<sup>140</sup> *Id.*

<sup>141</sup> *Id.* at 7-8.

<sup>142</sup> *Id.*

<sup>143</sup> *Id.*

<sup>144</sup> Nowicki, *supra* note 95, at 239.

<sup>145</sup> *Id.* at 240; *Doe v. Moore*, 410 F.3d 1337, 1346 (11th Cir. 2005)

<sup>146</sup> Suffolk County, N.Y., Code ch. 299, art. IV (2010) (Suffolk County created the first animal abuser registration act in 2010.).



to register with the Animal Abuse Registry.<sup>147</sup> These funds are used to pay for the administrative expenses of maintaining the registry.<sup>148</sup> Certain Animal Activist groups, such as the ASPCA, believe that because of the stereotypically low number of convicted persons who are mandated to register in jurisdictions with registries, these fees are insufficient to cover the cost of the registries themselves, thus demanding the diversion of resources away from other, more beneficial means of protecting animals from cruelty.<sup>149</sup> Some of these means include providing judges with discretion to impose well enforced No-Contact orders against animal abusers, and strengthening and broadening current animal cruelty laws such as increasing penalties.<sup>150</sup> Yet, many critics that have used this argument to attack animal abuse registries focus their attention on the initial creation of the registry.<sup>151</sup> These initial estimated financial figures range greatly from State to State and have been the focus of much dispute.<sup>152</sup> Nevertheless, this criticism has decreased since the first statewide animal abuse registry began in 2015.<sup>153</sup> Moreover, now that a decade has passed after the creation of the first animal abuse registry,<sup>154</sup> a more accurate picture of the costs associated with starting and maintaining this kind of a registry is placed in perspective. Like any program that commences, the initial cost is typically larger than the maintenance cost.<sup>155</sup> The legislative history and supporters of animal abuser registries dispute these financial hindrances by claiming that authorizing these laws could actually prevent crimes, ultimately resulting in saving taxpayer dollars.<sup>156</sup>

As with any national initiative, funding will unquestionably be a factor when deciding to initiate a national animal abuse registry. One suggestion that scholars have made is a pet food tax.<sup>157</sup> This proposed pet food tax would be a minimal cost to pet owners and the methods

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<sup>147</sup> *Id.*

<sup>148</sup> *Id.*

<sup>149</sup> ASPCA, *supra* note 136.

<sup>150</sup> *Id.*

<sup>151</sup> Alisha L. Biesinger, *Is Registering As An Animal Abuser In Illinois Abusive To The Offender? An Examination Of The Proposed Illinois Animal Abuse Registry*, 39 S. ILL. U.L.J. 299, 310 (2015).

<sup>152</sup> *Id.* at 307 n.89.

<sup>153</sup> TENN. CODE ANN. § 40-39-103 (2015).

<sup>154</sup> Suffolk County, N.Y., Code ch. 299, art. IV (2010).

<sup>155</sup> Biesinger, *supra* note 151, at 309-11.

<sup>156</sup> Campbell, *supra* note 9, at 321; *The National Humane Education Society*, <https://www.nhes.org/animal-abuse-registries/>(July 2020).

<sup>157</sup> *Id.* at 322.



proposed would considerably assist in undertaking the funding issue.<sup>158</sup> American society has demonstrated that it views pets in nearly the same regard as family members and proposed solutions such as the pet tax would reflect that value.<sup>159</sup> "Millennials continue to be the largest pet-owning demographic and this shows in the data," said Bob Vetere, APPA president and CEO, "this generation is willing to pay more for quality products and services to improve the health and well-being of their pets. Today... pet owners view their pets as irreplaceable members of their families and lives, [consequently] we continue to see such incredible growth within the pet care community."<sup>160</sup>

### iii. *Community Notification Concerns*

Though public notification was an immense force behind the creation of Megan's Law, there has been great debate and criticism over this topic.<sup>161</sup> While this criticism has only been vocalized in opposition to sex offender registries, an analogous argument could be made for animal abuser registries. Critics claim that community notification is ineffective because sex offender registries are not maintaining up to date information due to a lack of cooperation from the offenders.<sup>162</sup> Animal abuse registries face the same obstacle. However, Congress's guidelines, such as the Adam Walsh Act and Megan's Law, have been extremely helpful for States implementing an effective uniform system.<sup>163</sup> These federal mandates have also offered an incentive through the means of federal funding in exchange for full cooperation and thus States are well equipped with the proper means to extract

<sup>158</sup> Campbell, *supra* note 9, at 323.

<sup>159</sup> American Veterinary Medical Association, *Pet Ownership, Spending going Strong*, <https://www.avma.org/javma-news/2019-06-01/pet-ownership-spending-going-strong> (May 08, 2019).

<sup>160</sup> *Id.* (According to the American Pet Products Association (APPA), millennials represent the biggest population of pet owners for all pet types. More than 80% of pet owners among millennials and Generation Z own dogs, while 50% or less own cats. The APPA defines millennials as being born from 1980-94 and surveyed members of Generation Z, the following generation, aged at least 18.) *Id.*

<sup>161</sup> Lori McPherson, *The Sex Offender Registration And Notification Act (SORNA) At 10 Years: History, Implementation, and The Future*, 64 *DRAKE L. REV.* 741, 751 (2016).

<sup>162</sup> Wayne A. Logan, *Sex Offender Registration and Community Notification: Past, Present, and Future*, 34 *NEW ENG. J. ON CRIM. & CIV. CONFINEMENT* 3, 11 (2008).

<sup>163</sup> McPherson, *supra* note 161, at 758.

current data.<sup>164</sup>

Conversely, critics find themselves conceding “notification laws do serve a deterrent function for persons not on the registry since fear of notification might act as a deterrent for committing sex offenses.”<sup>165</sup> One of the main considerations for the push for public notification in Megan’s Law was the notion that if we had known that this offender had done this act in the past we could have avoided this incident now.<sup>166</sup> Megan Kanka’s mother uttered this very idea when she said that “if [we] had known there was a pedophile living on our street, [Megan] would be alive today.”<sup>167</sup>

While some criticism of sex offender registries may be used to attack the effectiveness of animal abuse registries, there are more positives that outweigh this wariness. By alerting the community to animal abusers who are in the area, the public is being placed on notice of past behavior of animal abuse and will more likely report to the authorities when they identify this offender with an animal.<sup>168</sup> Moreover, unlike guns or drugs, animals are living beings that will naturally be seen, heard, or even smelled and thus are not easily concealable.<sup>169</sup> Therefore, if neighbors and other individuals who interact with the offender are made aware that this wrongdoer is not allowed to possess animals they will easily identify a violation when an offender is seen with an animal. Consequently, community notification is a beneficial attribute for an animal abuse registry.

### C. National Animal Abuser Registration Act Proposal

The CEO and President of the Humane Society, Kitty Block, commented on the new Federal PACT Act and stated “for decades, a national anti-cruelty law was a dream for animal protectionists. Today,

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<sup>164</sup> *Id.*

<sup>165</sup> Corey Rayburn Yung, *One of These Laws Is Not Like the Others: Why the Federal Sex Offender Registration and Notification Act Raises New Constitutional Questions*, 46 HARV. J. ON LEGIS. 369, 424 (2009).

<sup>166</sup> Wayne A. Logan, *Challenging the Punitiveness of “New-Generation” Sorn Laws*, 21 NEW CRIM. L. REV. 426, 433 (2018).

<sup>167</sup> *Id.* at 434.

<sup>168</sup> Campbell, *supra* note 9, at 347.

<sup>169</sup> *Id.*

it is a reality.”<sup>170</sup> While this national law is groundbreaking in the animal law field and certainly a step forward in the right direction, the needs for animal protection are still critical. There are different approaches that can be taken in order to continue this progression in the area of federal animal laws. After vigorous exploration of the National Sexual Offender Registry and the influence of the PACT Act, a national animal abuser registry should be the next milestone in the area of federal animal law.

Currently there is no way of uniformly tracking animal abusers.<sup>171</sup> The animal abuse registries currently implemented are inefficient, and individual cases such as the Shon Rahrig case demonstrate the essential concerns associated with the non-uniform animal abuser registries.<sup>172</sup> They hold a severe lack of interface among States and within the State themselves.<sup>173</sup> A national animal abuse registry would be an efficient tool to track and prevent animal abusers from traveling to other States in order to fulfill their horrendous urges. Additional benefits result when tracking animal abuser data, such as understanding the direct correlation between animal cruelty and other forms of antisocial behavior.<sup>174</sup> Understanding this relationship could ultimately prevent later crimes and other social harms.<sup>175</sup> Likewise, law enforcement will be better equipped with enhanced tools to identify and respond to potential wrongdoers.<sup>176</sup> An example is when authorities are attempting to identify and locate an individual for a potential more serious crime; an individual who has been placed on an animal abuser registry may be a person of particular interest that can assist the police in limiting the scope of investigation.<sup>177</sup>

The objectives of a national animal abuse registry encompass the upward trend of strengthening animal cruelty laws. This includes promoting the safety of animals, identifying and tracking animal

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<sup>170</sup> Extreme animal cruelty can now be prosecuted as a federal crime, <https://www.humanesociety.org/news/extreme-animal-cruelty-can-now-be-prosecuted-federal-crime> (November 25, 2019).

<sup>171</sup> Dana M. Campbell, *A Call to Action: Concrete Proposals for Reducing Widespread Animal Suffering in the United States*, 15 ANIMAL L. 141, 146 (2009).

<sup>172</sup> Campbell, *supra* note 9, at 271.

<sup>173</sup> ASPCA, *supra* note 136.

<sup>174</sup> See Campbell, *supra* note 9, at 271, 278 n.45.

<sup>175</sup> Nowicki, *supra* note 95, at 218.

<sup>176</sup> Campbell, *supra* note 9, at 146.

<sup>177</sup> *Id.*

abusers, assisting law enforcement in identifying these types of culprits, deterring potential abusers, collecting informative statistics and data, categorizing patterns of animal abuse with links to other types of abuse, and most importantly protecting our society and the vulnerable targets from this avoidable harm.<sup>178</sup>

Utilizing the national sex offender registry as a model for a national animal abuse registry would be highly beneficial because it eliminates the need to recreate the wheel. Congress's justification in creating the uniform mandates for sex offender registries across the nation is analogous to that for the animal abuse registries.<sup>179</sup> Congress should recognize the "great societal need" for this implementation as well.<sup>180</sup>

The legislative history for the first animal abuse registry provides informative insight into the reasons why animal abuse registries are highly beneficial to society. The Suffolk County legislative history states:

[A]nimal cruelty is a serious problem, resulting in the abuse of thousands of animals each year in the United States. This Legislature also finds and determines that while New York State has criminalized the cruel treatment of animals, animal abuse continues to occur in Suffolk County and throughout the State. This Legislature finds that statistically, individuals who abuse animals are more likely to commit violent acts against humans. This Legislature also determines that a strong correlation has been established linking individuals who abuse animals with incidents of domestic violence.<sup>181</sup>

The understanding provided by the Suffolk County legislature can easily be transitioned into a bigger platform. Animal cruelty is not only prevalent in the State of New York, but throughout this nation.<sup>182</sup> Furthermore, the correlation among animal cruelty, violent acts and domestic violence is most certainly demonstrated outside the borders of New York State.

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<sup>178</sup> See *infra* Part III.

<sup>179</sup> McPherson, *supra* note 161, at 748.

<sup>180</sup> *Id.*

<sup>181</sup> Suffolk County, N.Y., Code ch. 299, art. IV (2010).

<sup>182</sup> ASPCA, *supra* note 29.

## VI. CONCLUSION

An animal's eyes have the ability to speak many languages; they communicate love and fear. Many people find themselves talking to animals because they do not judge, they do not provide unwanted advice; they simply just listen. Unfortunately, not many people find themselves listening back. This initiative can provide a voice and promote an impactful initiative to those that cannot fight for themselves.

In order to influence animal cruelty laws and provide a more efficient tool, a National Animal Abuse Registration Act must be implemented. If statewide animal abuser registries were more prevalent and a national abuse registry existed, then assailants like Shon Rahrig would be unable to commit their heinous acts of adopting more animals just to torture them for their own selfish pleasure. A national animal abuse registry would send a very loud message to society, a message that has naturally surfaced with the evolution in animal law and the role of pets in society. This message screams out that animal abuse will absolutely not be tolerated. A national animal abuser registry would provide education to the community, deliver tools for law enforcement to help enforce animal laws and collect data to track and trend abusers that have made the common leap from animal abuse to human violence. Similar to the Wettlering Act, Megan's Law, and the Adam Walsh Act, a federal mandate requiring a uniform tracking system for animal abuse registries would finally lead to a uniform system that would produce efficient results and protect our society. Mahatma Gandhi said it best, "[t]he greatness of a nation can be judged by the way its animals are treated."<sup>183</sup>

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<sup>183</sup> Gandhi, Mahatma, 1869-1948. *The Collected Works of Mahatma Gandhi*. New Delhi: Publications Division, Ministry of Information and Broadcasting, Govt. of India, (2000-2001) Jewish law requires humane treatment of animals with specific obligations about their care and feeding. You may remember the story in Genesis about Rebecca giving water first to the camels and then to their custodian.