

3926

2009-2010 Regular Sessions

I N S E N A T E

April 6, 2009

Introduced by Sens. STAVISKY, DILAN, DUANE, MONSERRATE, ONORATO, THOMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to increasing certain penalties for violating the prohibition of animal fighting

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

- 1 Section 1. Section 351 of the agriculture and markets law, as added
2 by chapter 150 of the laws of 1984, subdivision 2 as amended by chapter
3 190 of the laws of 2004, subdivision 5 as added by chapter 308 of the
4 laws of 2008, is amended to read as follows:
- 5 S 351. Prohibition of animal fighting. 1. For purposes of this
6 section, the term "animal fighting" shall mean any fight between cocks
7 or other birds, or between dogs, bulls, bears or any other animals, or
8 between any such animal and a person or persons, except in exhibitions
9 of a kind commonly featured at rodeos.
- 10 2. Any person who engages in any of the following conduct is guilty of
11 a felony punishable by imprisonment for a period not to exceed four
12 years, or by a fine not to exceed twenty-five thousand dollars, or by
13 both such fine and imprisonment:
- 14 (a) For amusement or gain, causes any animal to engage in animal
15 fighting; or
- 16 (b) Trains any animal under circumstances evincing an intent that such
17 animal engage in animal fighting for amusement or gain; or
- 18 (c) Breeds, sells or offers for sale any animal under circumstances
19 evincing an intent that such animal engage in animal fighting; or
- 20 (d) Permits any act described in paragraph (a), (b) or (c) of this
21 subdivision to occur on premises under his control; or
- 22 (e) Owns, possesses or keeps any animal trained to engage in animal
23 fighting on premises where an exhibition of animal fighting is being

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets
[] is old law to be omitted.

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1 conducted under circumstances evincing an intent that such animal engage
2 in animal fighting[.]; OR

3 [3. (a) Any person who engages in conduct specified in paragraph (b)
4 of this subdivision is guilty of a misdemeanor and is punishable by
5 imprisonment for a period not to exceed one year, or by a fine not to
6 exceed fifteen thousand dollars, or by both such fine and imprisonment.

7 (b)] (F) The owning, possessing or keeping of any animal under circum-
8 stances evincing an intent that such animal engage in animal
9 fighting[.]; OR

10 [4. (a) Any person who engages in conduct specified in paragraph (b)
11 hereof is guilty of a misdemeanor and is punishable by imprisonment for
12 a period not to exceed one year, or by a fine not to exceed one thousand
13 dollars, or by both such fine and imprisonment.

14 (b)] (G) The knowing presence as a spectator [having paid an admission
15 fee or having made a wager] at any place where an exhibition of animal
16 fighting is being conducted.

17 [5. (a) Any person who engages in the conduct specified in paragraph
18 (b) of this subdivision is guilty of a violation punishable by a fine
19 not to exceed five hundred dollars. Any person who engages in the
20 conduct specified in paragraph (b) of this subdivision after having been
21 convicted within the previous five years of a violation of this subdivi-
22 sion or subdivision four of this section is guilty of a misdemeanor and
23 is punishable by imprisonment for a period not to exceed one year, or by
24 a fine not to exceeded one thousand dollars, or by both by such fine and
25 imprisonment.

26 (b) The knowing presence as a spectator at any place where an exhibi-
27 tion of animal fighting is being conducted.]

28 S 2. This act shall take effect immediately.