

3926--A

Cal. No. 941

2009-2010 Regular Sessions

I N   S E N A T E

April 6, 2009

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Introduced by Sens. STAVISKY, DILAN, DUANE, GRIFFO, HASSELL-THOMPSON, KLEIN, KRUEGER, MAZIARZ, NOZZOLIO, ONORATO, OPPENHEIMER, PERKINS, SAVINO, THOMPSON, VALESKY -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee and committed to the Committee on Codes -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

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

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

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1 (c) Breeds, sells or offers for sale any animal under circumstances  
2 evincing an intent that such animal engage in animal fighting; or

3 (d) Permits any act described in paragraph (a), (b) or (c) of this  
4 subdivision to occur on premises under his control; or

5 (e) Owns, possesses or keeps any animal trained to engage in animal  
6 fighting on premises where an exhibition of animal fighting is being  
7 conducted under circumstances evincing an intent that such animal engage  
8 in animal fighting[.]; OR

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

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

15 4.] 3. (a) Any person who engages in conduct specified in paragraph  
16 (b) [hereof] OF THIS SUBDIVISION is guilty of a misdemeanor and is  
17 punishable by imprisonment for a period not to exceed one year, or by a  
18 fine not to exceed one thousand dollars, or by both such fine and impri-  
19 sonment.

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

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

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

34 S 2. This act shall take effect immediately.