

3911--A

Cal. No. 349

2011-2012 Regular Sessions

I N S E N A T E

March 9, 2011

Introduced by Sen. OPPENHEIMER -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- 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 the release of animals from a pound or shelter

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

1 Section 1. Subdivision 7-a of section 117 of the agriculture and
2 markets law, as amended by chapter 419 of the laws of 2010 and such
3 section as renumbered by section 12 of part T of chapter 59 of the laws
4 of 2010, is amended to read as follows:
5 7-a. Any animal in the custody of a pound OR SHELTER shall be made
6 available for adoption or euthanized subject to subdivisions six, eight
7 and nine of this section and subject to the provisions of section three
8 hundred seventy-four of this chapter after the time for redemption has
9 expired; provided, however, that such release may be made to another
10 such pound, duly incorporated society for the prevention of cruelty to
11 animals, duly incorporated humane society or duly incorporated animal
12 protective association for the sole purpose of placing such animal in an
13 adoptive home, when such action is reasonably believed to improve the
14 opportunity for adoption.
15 S 2. Subdivisions 5 and 6 of section 374 of the agriculture and
16 markets law, subdivision 5 as added and subdivision 6 as renumbered by
17 chapter 479 of the laws of 2009 and subdivision 6 as amended by chapter
18 674 of the laws of 1980, are amended to read as follows:
19 5. No person shall release any dog or cat from the custody or control
20 of any pound, shelter, society for the prevention of cruelty to animals,
21 humane society, dog protective association, dog control officer, peace

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

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1 officer or any agent thereof, for any purpose except adoption or redemp-
2 tion by its owner, PROVIDED, HOWEVER, THAT AFTER THE TIME FOR REDEMPTION
3 HAS EXPIRED, RELEASE MAY BE MADE TO ANOTHER SUCH POUND, DULY INCORPO-
4 RATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, DULY INCORPO-
5 RATED HUMANE SOCIETY OR DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION
6 FOR THE SOLE PURPOSE OF PLACING SUCH ANIMAL IN AN ADOPTIVE HOME WHEN
7 SUCH ACTION IS REASONABLY BELIEVED TO IMPROVE THE OPPORTUNITY FOR
8 ADOPTION. Notwithstanding the penalties set forth in paragraph b of
9 subdivision three of this section and paragraph b of subdivision four of
10 this section, any violation of this subdivision, subdivision two, three
11 or four of this section, shall constitute a misdemeanor and shall be
12 punishable by imprisonment for not more than one year, or by a fine of
13 not more than one thousand dollars, or by both.

14 6. In lieu of such destruction [or], redemption OR OTHER DISPOSITION
15 PURSUANT TO THIS SECTION, such POUND, SHELTER, OR society may in its
16 discretion lawfully and without liability deliver such animal for
17 adoption to an individual other than the owner after the time for
18 redemption has expired.

19 S 3. This act shall take effect immediately.