

7078--A

I N   S E N A T E

April 27, 2012

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Introduced by Sens. GRISANTI, AVELLA, OPPENHEIMER, ROBACH, SERRANO --  
read twice and ordered printed, and when printed to be committed to  
the Committee on Environmental Conservation -- committee discharged,  
bill amended, ordered reprinted as amended and recommitted to said  
committee

AN ACT to amend the environmental conservation law, in relation to wild  
and exotic animal protection

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

1     Section 1. Subdivisions 1, 8 and 9 of section 11-0512 of the environ-  
2     mental conservation law, as amended by chapter 10 of the laws of 2005,  
3     are amended to read as follows:  
4     1. No person shall knowingly possess, harbor, sell, barter, transfer,  
5     exchange, RELEASE, or import any wild animal for use as a pet in New  
6     York state, except as provided in subdivision three of this section.  
7     8. The department, any police or peace officer of this state, a local  
8     animal control officer, or a duly incorporated society for the  
9     prevention of cruelty to animals is hereby authorized to enforce the  
10    provisions of this section and issue notices of violation to persons in  
11    violation of this section, and shall have the authority to seize any  
12    wild animal held in violation of this section. A county society for the  
13    prevention of cruelty to animals must obtain a warrant before seizing a  
14    wild animal or arresting a person who owns or possesses a wild animal  
15    under this section. Wild animals seized or surrendered pursuant to the  
16    provisions of this section shall be transferred to a duly incorporated  
17    wildlife sanctuary as defined in this section, or a zoological facility,  
18    or shall be humanely euthanized. Any costs associated with seizing,  
19    transferring, RECAPTURING or euthanizing a wild animal shall be borne by  
20    the person who owned, harbored or possessed the animal. The department  
21    shall also have the authority to seek injunctive relief in any court of  
22    appropriate jurisdiction to prevent continued violations of this  
23    section.  
24    9. Notwithstanding any other provision of law, any person who knowing-  
25    ly breeds a wild animal or knowingly possesses, owns, harbors, sells,

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

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1 barter, transfers, exchanges, or imports a wild animal for use as a pet  
2 in violation of the provisions of this section shall be subject to a  
3 penalty of not more than five hundred dollars for the first offense and  
4 not more than one thousand dollars for a second and subsequent offenses.  
5 Each instance of breeding, owning, harboring, sale, barter, RELEASE,  
6 transfer, exchange, or import of a wild animal in violation of this  
7 section shall constitute a separate offense.

8 S 2. Paragraphs b and c of subdivision 3 of section 11-0512 of the  
9 environmental conservation law, as amended by chapter 10 of the laws of  
10 2005, are amended and a new paragraph d is added to read as follows:

11 b. Applies to the department within six months of the effective date  
12 of this section, and obtains from the department, a license pursuant to  
13 subdivision four of this section; [and]

14 c. Complies with all applicable federal, state, or local laws, includ-  
15 ing any ordinance, rule or regulation adopted by a local board of  
16 health, or any rules and regulations established by the department as  
17 requisites for ownership of such wild animal[.]; AND

18 D. REPORTS A RELEASE TO THE LOCAL POLICE DEPARTMENT AND ANIMAL  
19 CONTROL IMMEDIATELY UPON DISCOVERY OF THE RELEASE. EACH ESCAPE DURING A  
20 TWELVE MONTH PERIOD OF TIME WILL SUBJECT THE POSSESSOR TO PENALTIES BY  
21 THE DEPARTMENT PURSUANT TO SUBDIVISIONS EIGHT AND NINE OF THIS SECTION.

22 S 3. Section 11-0512 of the environmental conservation law is amended  
23 by adding a new subdivision 11 to read as follows:

24 11. FOR PURPOSES OF THIS SECTION, "RELEASE" SHALL MEAN KNOWINGLY OR  
25 NEGLIGENTLY FREEING OR SETTING AT-LARGE ANY WILD ANIMAL FROM THE  
26 LOCATION WHERE THE ANIMAL IS PERMITTED TO BE POSSESSED OR HARBORED.

27 S 4. This act shall take effect on the sixtieth day after it shall  
28 have become a law.