

7078--B

Cal. No. 1046

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 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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 ASSEMBLY, 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] IT SHALL BE PROHIBITED FOR ANY PERSON TO:  
5     A. knowingly possess, harbor, sell, barter, transfer, exchange or  
6     import any wild animal for use as a pet in New York state, except as  
7     provided in subdivision three of this section[.]; OR  
8     B. INTENTIONALLY RELEASE OR SET AT-LARGE ANY WILD ANIMAL, AUTHORIZED  
9     BY THIS SECTION FOR USE AS A PET, FROM THE LOCATION WHERE THE ANIMAL IS  
10    PERMITTED TO BE POSSESSED OR HARBORED.  
11    8. The department, any police or peace officer of this state, a local  
12    animal control officer, or a duly incorporated society for the  
13    prevention of cruelty to animals is hereby authorized to enforce the  
14    provisions of this section and issue notices of violation to persons in  
15    violation of this section, and shall have the authority to seize any  
16    wild animal held in violation of this section. A county society for the  
17    prevention of cruelty to animals must obtain a warrant before seizing a  
18    wild animal or arresting a person who owns or possesses a wild animal  
19    under this section. Wild animals seized or surrendered pursuant to the  
20    provisions of this section shall be transferred to a duly incorporated  
21    wildlife sanctuary as defined in this section, or a zoological facility,  
22    or shall be humanely euthanized. Any costs associated with seizing,  
23    transferring, RECAPTURING or euthanizing a wild animal shall be borne by

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

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1 the person who owned, harbored or possessed the animal. The department  
2 shall also have the authority to seek injunctive relief in any court of  
3 appropriate jurisdiction to prevent continued violations of this  
4 section.

5 9. Notwithstanding any other provision of law, any person who knowing-  
6 ly breeds a wild animal or knowingly possesses, owns, harbors, sells,  
7 barter, transfers, exchanges, or imports a wild animal for use as a pet  
8 OR INTENTIONALLY RELEASES OR SETS AT-LARGE ANY WILD ANIMAL, AUTHORIZED  
9 BY THIS SECTION FOR USE AS A PET, FROM THE LOCATION WHERE THE ANIMAL IS  
10 PERMITTED TO BE POSSESSED OR HARBORED in violation of the provisions of  
11 this section shall be subject to a penalty of not more than five hundred  
12 dollars for the first offense and not more than one thousand dollars for  
13 a second and subsequent offenses. Each instance of breeding, owning,  
14 harboring, sale, barter, RELEASE, transfer, exchange, or import of a  
15 wild animal in violation of this section shall constitute a separate  
16 offense.

17 S 2. Paragraphs b and c of subdivision 3 of section 11-0512 of the  
18 environmental conservation law, as amended by chapter 10 of the laws of  
19 2005, are amended and a new paragraph d is added to read as follows:

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

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

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

31 S 3. This act shall take effect on the sixtieth day after it shall  
32 have become a law.