

583

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sen. GALLIVAN -- 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 limiting the right of a person who has violated certain animal cruelty statutes from working at an animal shelter

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

1 Section 1. Section 353-a of the agriculture and markets law is amended
2 by adding a new subdivision 4 to read as follows:

3 4. ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, NO PERSON WHO
4 IS CONVICTED OF A VIOLATION OF THIS SECTION SHALL BE ALLOWED TO ACCEPT
5 OR REMAIN IN A POSITION AS A DOG CONTROL OFFICER, ANIMAL CONTROL OFFI-
6 CER, OR AS A PAID EMPLOYEE OR VOLUNTEER AT THE FOLLOWING TYPES OF ESTAB-
7 LISHMENTS: AN ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY,
8 DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED
9 SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS.

10 S 2. Section 353 of the agriculture and markets law, as amended by
11 chapter 458 of the laws of 1985 and the opening paragraph as amended by
12 chapter 523 of the laws of 2005, is amended to read as follows:

13 S 353. Overdriving, torturing and injuring animals; failure to provide
14 proper sustenance. 1. A person who overdrives, overloads, tortures or
15 cruelly beats or unjustifiably injures, maims, mutilates or kills any
16 animal, whether wild or tame, and whether belonging to himself or to
17 another, or deprives any animal of necessary sustenance, food or drink,
18 or neglects or refuses to furnish it such sustenance or drink, or caus-
19 es, procures or permits any animal to be overdriven, overloaded,
20 tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or
21 killed, or to be deprived of necessary food or drink, or who wilfully
22 sets on foot, instigates, engages in, or in any way furthers any act of
23 cruelty to any animal, or any act tending to produce such cruelty, is

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

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1 guilty of a class A misdemeanor and for purposes of paragraph (b) of
2 subdivision one of section 160.10 of the criminal procedure law, shall
3 be treated as a misdemeanor defined in the penal law.

4 2. Nothing herein contained shall be construed to prohibit or inter-
5 fere with any properly conducted scientific tests, experiments or inves-
6 tigations, involving the use of living animals, performed or conducted
7 in laboratories or institutions, which are approved for these purposes
8 by the state commissioner of health. The state commissioner of health
9 shall prescribe the rules under which such approvals shall be granted,
10 including therein standards regarding the care and treatment of any such
11 animals. Such rules shall be published and copies thereof conspicuously
12 posted in each such laboratory or institution. The state commissioner of
13 health or his duly authorized representative shall have the power to
14 inspect such laboratories or institutions to insure compliance with such
15 rules and standards. Each such approval may be revoked at any time for
16 failure to comply with such rules and in any case the approval shall be
17 limited to a period not exceeding one year.

18 3. ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, NO PERSON WHO
19 IS CONVICTED OF A VIOLATION OF THIS SECTION SHALL BE ALLOWED TO ACCEPT
20 OR REMAIN IN A POSITION AS A DOG CONTROL OFFICER, ANIMAL CONTROL OFFI-
21 CER, OR AS A PAID EMPLOYEE OR VOLUNTEER AT THE FOLLOWING TYPES OF ESTAB-
22 LISHMENTS: AN ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY,
23 DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED
24 SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS.

25 S 3. This act shall take effect on the thirtieth day after it shall
26 have become a law.