S T A T E  O F  N E W  Y O R K

583--B

Cal. No. 74

2013-2014 Regular Sessions

I N  S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. GALLIVAN, AVELLA, BALL, GIPSON, GRISANTI, MAZIARZ, RANZENHOFER -- 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, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

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:

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

4. ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, NO PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION SHALL BE ALLOWED TO ACCEPT OR REMAIN IN A POSITION AS A DOG CONTROL OFFICER, ANIMAL CONTROL OFFICER, OR AS A PAID EMPLOYEE OR VOLUNTEER AT THE FOLLOWING TYPES OF ESTABLISHMENTS: AN ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY, DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "VOLUNTEER" SHALL NOT INCLUDE ANYONE REQUIRED BY COURT ORDER TO FULFILL A COMMUNITY SERVICE REQUIREMENT IN SERVICE AT ANY ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY, DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS. ANY DOG CONTROL OFFICER, ANIMAL CONTROL OFFICER OR PAID EMPLOYEE OR VOLUNTEER FOUND IN VIOLATION OF THIS SUBDIVISION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

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

LBD04880-05-3

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

S 353. Overdriving, torturing and injuring animals; failure to provide proper sustenance. 1. A person who overdrives, overloads, tortures or cruelly beats or unjustifiably injures, maims, mutilates or kills any animal, whether wild or tame, and whether belonging to himself or to another, or deprives any animal of necessary sustenance, food or drink, or neglects or refuses to furnish it such sustenance or drink, or causes, procures or permits any animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed, or to be deprived of necessary food or drink, or who wilfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to produce such cruelty, is guilty of a class A misdemeanor and for purposes of paragraph (b) of subdivision one of section 160.10 of the criminal procedure law, shall be treated as a misdemeanor defined in the penal law.

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

3. ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, NO PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION SHALL BE ALLOWED TO ACCEPT OR REMAIN IN A POSITION AS A DOG CONTROL OFFICER, ANIMAL CONTROL OFFICER, OR AS A PAID EMPLOYEE OR VOLUNTEER AT THE FOLLOWING TYPES OF ESTABLISHMENTS: AN ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY, DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "VOLUNTEER" SHALL NOT INCLUDE ANYONE REQUIRED BY COURT ORDER TO FULFILL A COMMUNITY SERVICE REQUIREMENT IN SERVICE AT ANY ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY, DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS. ANY DOG CONTROL OFFICER, ANIMAL CONTROL OFFICER OR PAID EMPLOYEE OR VOLUNTEER FOUND IN VIOLATION OF THIS SUBDIVISION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

S 3. Section 351 of the agriculture and markets law is amended by adding a new subdivision 7 to read as follows:

7. ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, NO PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION SHALL BE ALLOWED TO ACCEPT OR REMAIN IN A POSITION AS A DOG CONTROL OFFICER, ANIMAL CONTROL OFFICER, OR AS A PAID EMPLOYEE OR VOLUNTEER AT THE FOLLOWING TYPES OF ESTABLISHMENTS: AN ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY, DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "VOLUNTEER" SHALL NOT INCLUDE ANYONE REQUIRED BY COURT ORDER TO FULFILL A COMMUNITY SERVICE REQUIREMENT IN SERVICE AT

ANY ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY, DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS. ANY DOG CONTROL OFFICER, ANIMAL CONTROL OFFICER OR PAID EMPLOYEE OR VOLUNTEER FOUND IN VIOLATION OF THIS SUBDIVISION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

S 4. Section 355 of the agriculture and markets law, as amended by chapter 458 of the laws of 1985, is amended to read as follows:

S 355. Abandonment of animals. 1. A person being the owner or possessor, or having charge or custody of an animal, who abandons such animal, or leaves it to die in a street, road or public place, or who allows such animal, if it become disabled, to lie in a public street, road or public place more than three hours after he receives notice that it is left disabled, is guilty of a misdemeanor, punishable by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or by both.

2. ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, NO PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION SHALL BE ALLOWED TO ACCEPT OR REMAIN IN A POSITION AS A DOG CONTROL OFFICER, ANIMAL CONTROL OFFICER, OR AS A PAID EMPLOYEE OR VOLUNTEER AT THE FOLLOWING TYPES OF ESTABLISHMENTS: AN ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY, DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS. FOR THE PURPOSES OF THIS SUBDIVISION, THE TERM "VOLUNTEER" SHALL NOT INCLUDE ANYONE REQUIRED BY COURT ORDER TO FULFILL A COMMUNITY SERVICE REQUIREMENT IN SERVICE AT ANY ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY, DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS. ANY DOG CONTROL OFFICER, ANIMAL CONTROL OFFICER OR PAID EMPLOYEE OR VOLUNTEER FOUND IN VIOLATION OF THIS SUBDIVISION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

S 5. This act shall take effect on the thirtieth day after it shall have become a law.