

7394--A

Cal. No. 1120

I N S E N A T E

April 27, 2016

Introduced by Sen. SERINO -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families -- 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 family court act, the criminal procedure law and the domestic relations law, in relation to an order of protection with respect to companion animals

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

1 Section 1. Subdivision 1 of section 352.3 of the family court act, as  
2 amended by chapter 532 of the laws of 2008, is amended to read as  
3 follows:  
4 (1) Upon the issuance of an order pursuant to section 315.3 or the  
5 entry of an order of disposition pursuant to section 352.2, a court may  
6 enter an order of protection against any respondent for good cause  
7 shown. The order may require that the respondent: (a) stay away from the  
8 home, school, business or place of employment of the victims of the  
9 alleged offense; or (b) refrain from harassing, intimidating, threaten-  
10 ing or otherwise interfering with the victim or victims of the alleged  
11 offense and such members of the family or household of such victim or  
12 victims as shall be specifically named by the court in such order; or  
13 (c) refrain from intentionally injuring or killing, without justifica-  
14 tion, any companion animal the respondent knows to be owned, possessed,  
15 leased, kept or held by [the person protected by the order] EITHER PARTY  
16 or a minor child residing in [such person's] EITHER PARTY'S household OR  
17 A DESIGNATED PARTY AS DETERMINED BY THE COURT; OR (D) RELINQUISH CUSTODY  
18 OF ANY COMPANION ANIMAL OWNED, POSSESSED, LEASED, KEPT OR HELD BY EITHER  
19 PARTY OR A MINOR CHILD RESIDING IN THE HOUSEHOLD TO THE PETITIONER OR A  
20 DESIGNATED PARTY AS DETERMINED BY THE COURT; OR (E) TO REFRAIN FROM  
21 HAVING CONTACT WITH ANY COMPANION ANIMAL OWNED, POSSESSED, LEASED, KEPT  
22 OR HELD BY WITHER PARTY OR A MINOR CHILD RESIDING IN THE HOUSEHOLD OR IN  
23 THE CUSTODY OF A DESIGNATED PARTY PURSUANT TO PARAGRAPH (D) OF THIS

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

LBD13205-04-6

1 SUBDIVISION. "Companion animal", as used in this subdivision, shall have  
2 the same meaning as in subdivision five of section three hundred fifty  
3 of the agriculture and markets law.

4 S 2. Subdivision (h) of section 446 of the family court act, as  
5 amended by chapter 526 of the laws of 2013, is amended to read as  
6 follows:

7 (h) 1. to refrain from intentionally injuring or killing, without  
8 justification, any companion animal the respondent knows to be owned,  
9 possessed, leased, kept or held by [the person protected by the order]  
10 EITHER PARTY or a minor child residing in [such person's] EITHER PARTY'S  
11 household[.] OR A DESIGNATED PARTY AS DETERMINED BY THE COURT; OR

12 2. TO RELINQUISH CUSTODY OF ANY COMPANION ANIMAL OWNED, POSSESSED,  
13 LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESIDING IN THE  
14 HOUSEHOLD TO THE PETITIONER OR A DESIGNATED PARTY AS DETERMINED BY THE  
15 COURT; OR

16 3. TO REFRAIN FROM HAVING CONTACT WITH ANY COMPANION ANIMAL OWNED,  
17 POSSESSED, LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESID-  
18 ING IN THE HOUSEHOLD, OR IN THE CUSTODY OF A DESIGNATED PARTY PURSUANT  
19 TO PARAGRAPH TWO OF THIS SUBDIVISION.

20 4. "Companion animal", as used in this section, shall have the same  
21 meaning as in subdivision five of section three hundred fifty of the  
22 agriculture and markets law;

23 S 3. Subdivision (i) of section 551 of the family court act, as  
24 amended by chapter 526 of the laws of 2013, is amended to read as  
25 follows:

26 (i) 1. to refrain from intentionally injuring or killing, without  
27 justification, any companion animal the respondent knows to be owned,  
28 possessed, leased, kept or held by [the person protected by the order]  
29 EITHER PARTY or a minor child residing in [such person's] EITHER PARTY'S  
30 household[.] OR A DESIGNATED PARTY AS DETERMINED BY THE COURT; OR

31 2. TO RELINQUISH CUSTODY OF ANY COMPANION ANIMAL OWNED, POSSESSED,  
32 LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESIDING IN THE  
33 HOUSEHOLD TO THE PETITIONER OR A DESIGNATED PARTY AS DETERMINED BY THE  
34 COURT; OR

35 3. TO REFRAIN FROM HAVING CONTACT WITH ANY COMPANION ANIMAL OWNED,  
36 POSSESSED, LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESID-  
37 ING IN THE HOUSEHOLD, OR IN THE CUSTODY OF A DESIGNATED PARTY PURSUANT  
38 TO PARAGRAPH TWO OF THIS SUBDIVISION.

39 4. "Companion animal", as used in this section, shall have the same  
40 meaning as in subdivision five of section three hundred fifty of the  
41 agriculture and markets law;

42 S 4. Subdivision (i) of section 656 of the family court act, as  
43 amended by chapter 526 of the laws of 2013, is amended to read as  
44 follows:

45 (i) 1. to refrain from intentionally injuring or killing, without  
46 justification, any companion animal the respondent knows to be owned,  
47 possessed, leased, kept or held by [the petitioner] EITHER PARTY or a  
48 minor child residing in the household[.] OR A DESIGNATED PARTY AS DETER-  
49 MINED BY THE COURT; OR

50 2. TO RELINQUISH CUSTODY OF ANY COMPANION ANIMAL OWNED, POSSESSED,  
51 LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESIDING IN THE  
52 HOUSEHOLD TO THE PETITIONER OR A DESIGNATED PARTY AS DETERMINED BY THE  
53 COURT; OR

54 3. TO REFRAIN FROM HAVING CONTACT WITH ANY COMPANION ANIMAL OWNED,  
55 POSSESSED, LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESID-

1 ING IN THE HOUSEHOLD, OR IN THE CUSTODY OF A DESIGNATED PARTY PURSUANT  
2 TO PARAGRAPH TWO OF THIS SUBDIVISION.

3 4. "Companion animal", as used in this section, shall have the same  
4 meaning as in subdivision five of section three hundred fifty of the  
5 agriculture and markets law;

6 S 5. Subdivision (h) of section 759 of the family court act, as added  
7 by chapter 253 of the laws of 2006, paragraph 1 as amended by chapter  
8 532 of the laws of 2008, is amended to read as follows:

9 (h) 1. to refrain from intentionally injuring or killing, without  
10 justification, any companion animal the respondent knows to be owned,  
11 possessed, leased, kept or held by [the person protected by the order]  
12 EITHER PARTY or a minor child residing in [such person's] EITHER PARTY'S  
13 household[.] OR A DESIGNATED PARTY AS DETERMINED BY THE COURT; OR

14 2. TO RELINQUISH CUSTODY OF ANY COMPANION ANIMAL OWNED, POSSESSED,  
15 LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESIDING IN THE  
16 HOUSEHOLD TO THE PETITIONER OR A DESIGNATED PARTY AS DETERMINED BY THE  
17 COURT; OR

18 3. TO REFRAIN FROM HAVING CONTACT WITH ANY COMPANION ANIMAL OWNED,  
19 POSSESSED, LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESID-  
20 ING IN THE HOUSEHOLD, OR IN THE CUSTODY OF A DESIGNATED PARTY PURSUANT  
21 TO PARAGRAPH TWO OF THIS SUBDIVISION.

22 4. "Companion animal", as used in this section, shall have the same  
23 meaning as in subdivision five of section three hundred fifty of the  
24 agriculture and markets law.

25 S 6. Subdivision (i) of section 842 of the family court act, as  
26 amended by chapter 526 of the laws of 2013, is amended to read as  
27 follows:

28 (i) 1. to refrain from intentionally injuring or killing, without  
29 justification, any companion animal the respondent knows to be owned,  
30 possessed, leased, kept or held by [the petitioner] EITHER PARTY or a  
31 minor child residing in the household[.] OR A DESIGNATED PARTY AS DETER-  
32 MINED BY THE COURT; OR

33 2. TO RELINQUISH CUSTODY OF ANY COMPANION ANIMAL OWNED, POSSESSED,  
34 LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESIDING IN THE  
35 HOUSEHOLD TO THE PETITIONER OR A DESIGNATED PARTY AS DETERMINED BY THE  
36 COURT; OR

37 3. TO REFRAIN FROM HAVING CONTACT WITH ANY COMPANION ANIMAL OWNED,  
38 POSSESSED, LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESID-  
39 ING IN THE HOUSEHOLD, OR IN THE CUSTODY OF A DESIGNATED PARTY PURSUANT  
40 TO PARAGRAPH TWO OF THIS SUBDIVISION.

41 4. "Companion animal", as used in this section, shall have the same  
42 meaning as in subdivision five of section three hundred fifty of the  
43 agriculture and markets law;

44 S 7. Paragraph (g) of subdivision 1 of section 1056 of the family  
45 court act, as amended by chapter 526 of the laws of 2013, is amended to  
46 read as follows:

47 (g) 1. to refrain from intentionally injuring or killing, without  
48 justification, any companion animal the respondent knows to be owned,  
49 possessed, leased, kept or held by [the person protected by the order]  
50 EITHER PARTY or a minor child residing in [such person's] EITHER PARTY'S  
51 household[.] OR A DESIGNATED PARTY AS DETERMINED BY THE COURT; OR

52 2. TO RELINQUISH CUSTODY OF ANY COMPANION ANIMAL OWNED, POSSESSED,  
53 LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESIDING IN THE  
54 HOUSEHOLD TO THE PETITIONER OR A DESIGNATED PARTY AS DETERMINED BY THE  
55 COURT; OR

1 3. TO REFRAIN FROM HAVING CONTACT WITH ANY COMPANION ANIMAL OWNED,  
2 POSSESSED, LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESID-  
3 ING IN THE HOUSEHOLD, OR IN THE CUSTODY OF A DESIGNATED PARTY PURSUANT  
4 TO SUBPARAGRAPH TWO OF THIS PARAGRAPH.

5 4. "Companion animal", as used in this section, shall have the same  
6 meaning as in subdivision five of section three hundred fifty of the  
7 agriculture and markets law;

8 S 8. Subparagraph 6 of paragraph (a) of subdivision 1 of section  
9 530.12 of the criminal procedure law, as amended by chapter 526 of the  
10 laws of 2013, is amended to read as follows:

11 (6) (A) to refrain from intentionally injuring or killing, without  
12 justification, any companion animal the defendant knows to be owned,  
13 possessed, leased, kept or held by [the victim] EITHER PARTY or a minor  
14 child residing in the household OR A DESIGNATED PARTY AS DETERMINED BY  
15 THE COURT; OR

16 (B) TO RELINQUISH CUSTODY OF ANY COMPANION ANIMAL OWNED, POSSESSED,  
17 LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESIDING IN THE  
18 HOUSEHOLD TO THE PETITIONER OR A DESIGNATED PARTY AS DETERMINED BY THE  
19 COURT; OR

20 (C) TO REFRAIN FROM HAVING CONTACT WITH ANY COMPANION ANIMAL OWNED,  
21 POSSESSED, LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESID-  
22 ING IN THE HOUSEHOLD, OR IN THE CUSTODY OF A DESIGNATED PARTY PURSUANT  
23 TO ITEM (B) OF THIS SUBPARAGRAPH.

24 [(B)] (D) "Companion animal", as used in this section, shall have the  
25 same meaning as in subdivision five of section three hundred fifty of  
26 the agriculture and markets law;

27 S 9. Paragraph (c) of subdivision 1 of section 530.13 of the criminal  
28 procedure law, as added by chapter 253 of the laws of 2006, is amended  
29 to read as follows:

30 (c) 1. to refrain from intentionally injuring or killing, without  
31 justification, any companion animal the defendant knows to be owned,  
32 possessed, leased, kept or held by such victim or victims or a minor  
33 child residing in such victim's or victims' household[.]; OR

34 2. TO REFRAIN FROM HAVING CONTACT WITH ANY COMPANION ANIMAL OWNED,  
35 POSSESSED, LEASED, KEPT OR HELD BY SUCH VICTIM OR VICTIMS OR A MINOR  
36 CHILD RESIDING IN SUCH VICTIM'S OR VICTIMS' HOUSEHOLD.

37 3. "Companion animal", as used in this section, shall have the same  
38 meaning as in subdivision five of section three hundred fifty of the  
39 agriculture and markets law.

40 S 10. Subparagraph 7 of paragraph (a) of subdivision 3 of section 240  
41 of the domestic relations law, as amended by chapter 526 of the laws of  
42 2013, is amended to read as follows:

43 (7) (I) to refrain from intentionally injuring or killing, without  
44 justification, any companion animal the respondent knows to be owned,  
45 possessed, leased, kept or held by [the person protected by the order]  
46 EITHER PARTY or a minor child residing in [such person's] EITHER PARTY'S  
47 household OR DESIGNATED PARTY AS DETERMINED BY THE COURT; OR

48 (II) TO RELINQUISH CUSTODY OF ANY COMPANION ANIMAL OWNED, POSSESSED,  
49 LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESIDING IN THE  
50 HOUSEHOLD TO THE PETITIONER OR A DESIGNATED PARTY AS DETERMINED BY THE  
51 COURT; OR

52 (III) TO REFRAIN FROM HAVING CONTACT WITH ANY COMPANION ANIMAL OWNED,  
53 POSSESSED, LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESID-  
54 ING IN THE HOUSEHOLD, OR IN THE CUSTODY OF A DESIGNATED PARTY PURSUANT  
55 TO ITEM (II) OF THIS SUBPARAGRAPH.

1 (IV) "Companion animal," as used in this section, shall have the same  
2 meaning as in subdivision five of section three hundred fifty of the  
3 agriculture and markets law;

4 S 11. Paragraph (g) of subdivision 1 of section 252 of the domestic  
5 relations law, as amended by chapter 526 of the laws of 2012, is amended  
6 to read as follows:

7 (g) (1) to refrain from intentionally injuring or killing, without  
8 justification, any companion animal the respondent knows to be owned,  
9 possessed, leased, kept or held by [the person protected by the order]  
10 EITHER PARTY or a minor child residing in [such person's] EITHER  
11 PARTY'S household OR DESIGNATED PARTY AS DETERMINED BY THE COURT; OR

12 (2) TO RELINQUISH CUSTODY OF ANY COMPANION ANIMAL OWNED, POSSESSED,  
13 LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESIDING IN THE  
14 HOUSEHOLD TO THE PETITIONER OR A DESIGNATED PARTY AS DETERMINED BY THE  
15 COURT; OR

16 (3) TO REFRAIN FROM HAVING CONTACT WITH ANY COMPANION ANIMAL OWNED,  
17 POSSESSED, LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESID-  
18 ING IN THE HOUSEHOLD, OR IN THE CUSTODY OF A DESIGNATED PARTY PURSUANT  
19 TO SUBPARAGRAPH TWO OF THIS PARAGRAPH.

20 (4) "Companion animal," as used in this section, shall have the same  
21 meaning as in subdivision five of section three hundred fifty of the  
22 agriculture and markets law;

23 S 12. This act shall take effect immediately.