

STATE OF NEW YORK

10857

IN ASSEMBLY

April 8, 2026

Introduced by M. of A. HEVESI -- read once and referred to the Committee on Judiciary

AN ACT to amend the family court act, the criminal procedure law, and the domestic relations law, in relation to authorizing courts, upon issuance of an order of protection, to order exclusive care, custody, and control of certain companion animals be granted to the petitioner

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. The opening paragraph of subdivision 1 of section 812 of
2 the family court act, as amended by chapter 541 of the laws of 2024, is
3 amended to read as follows:

4 The family court and the criminal courts shall have concurrent juris-
5 diction over any proceeding concerning acts which would constitute
6 disorderly conduct, unlawful dissemination or publication of an intimate
7 image, harassment in the first degree, harassment in the second degree,
8 aggravated harassment in the second degree, sexual misconduct, forcible
9 touching, sexual abuse in the third degree, sexual abuse in the second
10 degree as set forth in subdivision one of section 130.60 of the penal
11 law, stalking in the first degree, stalking in the second degree, stalk-
12 ing in the third degree, stalking in the fourth degree, criminal
13 mischief, menacing in the second degree, menacing in the third degree,
14 reckless endangerment, criminal obstruction of breathing or blood circu-
15 lation, strangulation in the second degree, strangulation in the first
16 degree, assault in the second degree, assault in the third degree, an
17 attempted assault, identity theft in the first degree, identity theft in
18 the second degree, identity theft in the third degree, grand larceny in
19 the fourth degree, grand larceny in the third degree, coercion in the
20 second degree or coercion in the third degree as set forth in subdivi-
21 sions one, two and three of section 135.60 of the penal law between
22 spouses or former spouses, or between parent and child or between
23 members of the same family or household except that if the respondent
24 would not be criminally responsible by reason of age pursuant to section
25 30.00 of the penal law, then the family court shall have exclusive
26 jurisdiction over such proceeding. The family court and the criminal

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

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courts shall also have concurrent jurisdiction over any proceeding concerning acts which would constitute animal cruelty as set forth in section three hundred fifty-three of the agriculture and markets law, aggravated animal cruelty as set forth in section three hundred fifty-three-a of the agriculture and markets law, or sexual misconduct with an animal as set forth in subdivision four of section 130.20 of the penal law when perpetrated against an animal owned, possessed, or residing with a spouse or former spouse of the respondent, a child of the respondent, or a member of the same family or household as the respondent. Notwithstanding a complainant's election to proceed in family court, the criminal court shall not be divested of jurisdiction to hear a family offense proceeding pursuant to this section. In any proceeding pursuant to this article, a court shall not deny an order of protection, or dismiss a petition, solely on the basis that the acts or events alleged are not relatively contemporaneous with the date of the petition, the conclusion of the fact-finding or the conclusion of the dispositional hearing. For purposes of this article, "disorderly conduct" includes disorderly conduct not in a public place. For purposes of this article, "members of the same family or household" shall mean the following:

§ 2. Paragraph (a) of subdivision 1 of section 821 of the family court act, as amended by section 6 of part NN of chapter 55 of the laws of 2018, is amended to read as follows:

(a) An allegation that the respondent assaulted or attempted to assault ~~[his or her]~~ such respondent's spouse, or former spouse, parent, child or other member of the same family or household or engaged in disorderly conduct, harassment, sexual misconduct, forcible touching, sexual abuse in the third degree, sexual abuse in the second degree as set forth in subdivision one of section 130.60 of the penal law, stalking, criminal mischief, menacing, reckless endangerment, criminal obstruction of breathing or blood circulation, strangulation, identity theft in the first degree, identity theft in the second degree, identity theft in the third degree, grand larceny in the fourth degree, grand larceny in the third degree, coercion in the second degree or coercion in the third degree as set forth in subdivisions one, two and three of section 135.60 of the penal law, toward any such person, or an allegation the respondent perpetrated animal cruelty as set forth in section three hundred fifty-three of the agriculture and markets law, aggravated animal cruelty as set forth in section three hundred fifty-three-a of the agriculture and markets law, or sexual misconduct with an animal as set forth in subdivision four of section 130.20 of the penal law against an animal owned, possessed, or residing with a spouse or former spouse of the respondent, a child of the respondent, or a member of the same family or household as the respondent;

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

(6) (A) to grant the petitioner the exclusive care, custody, or control of any companion animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the companion animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the companion animal.

(B) to refrain from intentionally injuring or killing, without justification, any companion animal the defendant knows to be owned,

1 possessed, leased, kept or held by the victim or a minor child residing
2 in the household.

3 ~~[(B)]~~ (C) "Companion animal", as used in this section, shall have the
4 same meaning as in subdivision five of section three hundred fifty of
5 the agriculture and markets law;

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

9 (h) 1. to grant the petitioner the exclusive care, custody, or control
10 of any companion animal owned, possessed, leased, kept, or held by
11 either the petitioner or the respondent or a minor child residing in the
12 residence or household of either the petitioner or the respondent and
13 order the respondent to stay away from the companion animal and forbid
14 the respondent from taking, transferring, encumbering, concealing, harm-
15 ing, or otherwise disposing of the companion animal.

16 2. to refrain from intentionally injuring or killing, without justi-
17 fication, any companion animal the respondent knows to be owned,
18 possessed, leased, kept or held by the person protected by the order or
19 a minor child residing in such person's household.

20 ~~[2-]~~ 3. "Companion animal", as used in this section, shall have the
21 same meaning as in subdivision five of section three hundred fifty of
22 the agriculture and markets law;

23 § 5. 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 grant the petitioner the exclusive care, custody, or control
27 of any companion animal owned, possessed, leased, kept, or held by
28 either the petitioner or the respondent or a minor child residing in the
29 residence or household of either the petitioner or the respondent and
30 order the respondent to stay away from the companion animal and forbid
31 the respondent from taking, transferring, encumbering, concealing, harm-
32 ing, or otherwise disposing of the companion animal.

33 2. to refrain from intentionally injuring or killing, without justi-
34 fication, any companion animal the respondent knows to be owned,
35 possessed, leased, kept or held by the person protected by the order or
36 a minor child residing in such person's household.

37 ~~[2-]~~ 3. "Companion animal", as used in this section, shall have the
38 same meaning as in subdivision five of section three hundred fifty of
39 the agriculture and markets law;

40 § 6. Subdivision (i) of section 656 of the family court act, as
41 amended by chapter 526 of the laws of 2013, is amended to read as
42 follows:

43 (i) 1. to grant the petitioner the exclusive care, custody, or control
44 of any companion animal owned, possessed, leased, kept, or held by
45 either the petitioner or the respondent or a minor child residing in the
46 residence or household of either the petitioner or the respondent and
47 order the respondent to stay away from the companion animal and forbid
48 the respondent from taking, transferring, encumbering, concealing, harm-
49 ing, or otherwise disposing of the companion animal.

50 2. to refrain from intentionally injuring or killing, without justi-
51 fication, any companion animal the respondent knows to be owned,
52 possessed, leased, kept or held by the petitioner or a minor child
53 residing in the household.

54 ~~[2-]~~ 3. "Companion animal", as used in this section, shall have the
55 same meaning as in subdivision five of section three hundred fifty of
56 the agriculture and markets law;

§ 7. Subdivision (i) of section 842 of the family court act, as amended by chapter 335 of the laws of 2019, is amended to read as follows:

(i) 1. to grant the petitioner the exclusive care, custody, or control of any companion animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the companion animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the companion animal.

2. to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the petitioner or a minor child residing in the household.

~~[2-]~~ 3. "Companion animal", as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law;

§ 8. Paragraph (g) of subdivision 1 of section 1056 of the family court act, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

(g) 1. to grant the petitioner the exclusive care, custody, or control of any companion animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the companion animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the companion animal.

2. to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the person protected by the order or a minor child residing in such person's household.

~~[2-]~~ 3. "Companion animal", as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law;

§ 9. Subparagraph 7 of paragraph a of subdivision 3 of section 240 of the domestic relations law, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

(7) (i) to grant the petitioner the exclusive care, custody, or control of any companion animal owned, possessed, leased, kept, or held by either the petitioner or the respondent or a minor child residing in the residence or household of either the petitioner or the respondent and order the respondent to stay away from the companion animal and forbid the respondent from taking, transferring, encumbering, concealing, harming, or otherwise disposing of the companion animal.

(ii) to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the person protected by the order or a minor child residing in such person's household.

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

§ 10. Paragraph (g) of subdivision 1 of section 252 of the domestic relations law, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

(g) (1) to grant the petitioner the exclusive care, custody, or control of any companion animal owned, possessed, leased, kept, or held

1 by either the petitioner or the respondent or a minor child residing in
2 the residence or household of either the petitioner or the respondent
3 and order the respondent to stay away from the companion animal and
4 forbid the respondent from taking, transferring, encumbering, conceal-
5 ing, harming, or otherwise disposing of the companion animal.

6 (2) to refrain from intentionally injuring or killing, without justi-
7 fication, any companion animal the respondent knows to be owned,
8 possessed, leased, kept or held by the person protected by the order or
9 a minor child residing in such person's household.

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

13 § 11. The opening paragraph of subdivision 1 of section 530.11 of the
14 criminal procedure law, as amended by chapter 541 of the laws of 2024,
15 is amended to read as follows:

16 The family court and the criminal courts shall have concurrent juris-
17 diction over any proceeding concerning acts which would constitute
18 disorderly conduct, unlawful dissemination or publication of an intimate
19 image, harassment in the first degree, harassment in the second degree,
20 aggravated harassment in the second degree, sexual misconduct, forcible
21 touching, sexual abuse in the third degree, sexual abuse in the second
22 degree as set forth in subdivision one of section 130.60 of the penal
23 law, stalking in the first degree, stalking in the second degree, stalk-
24 ing in the third degree, stalking in the fourth degree, criminal
25 mischief, menacing in the second degree, menacing in the third degree,
26 reckless endangerment, strangulation in the first degree, strangulation
27 in the second degree, criminal obstruction of breathing or blood circu-
28 lation, assault in the second degree, assault in the third degree, an
29 attempted assault, identity theft in the first degree, identity theft in
30 the second degree, identity theft in the third degree, grand larceny in
31 the fourth degree, grand larceny in the third degree, coercion in the
32 second degree or coercion in the third degree as set forth in subdivi-
33 sions one, two and three of section 135.60 of the penal law between
34 spouses or former spouses, or between parent and child or between
35 members of the same family or household except that if the respondent
36 would not be criminally responsible by reason of age pursuant to section
37 30.00 of the penal law, then the family court shall have exclusive
38 jurisdiction over such proceeding. The family court and the criminal
39 courts shall also have concurrent jurisdiction over any proceeding
40 concerning acts which would constitute animal cruelty as set forth in
41 section three hundred fifty-three of the agriculture and markets law,
42 aggravated animal cruelty as set forth in section three hundred fifty-
43 three-a of the agriculture and markets law, or sexual misconduct with an
44 animal as set forth in subdivision four of section 130.20 of the penal
45 law when perpetrated against an animal owned, possessed, or residing
46 with a spouse or former spouse of the respondent, a child of the
47 respondent, or a member of the same family or household as the respond-
48 ent. Notwithstanding a complainant's election to proceed in family
49 court, the criminal court shall not be divested of jurisdiction to hear
50 a family offense proceeding pursuant to this section. For purposes of
51 this section, "disorderly conduct" includes disorderly conduct not in a
52 public place. For purposes of this section, "members of the same family
53 or household" with respect to a proceeding in the criminal courts shall
54 mean the following:

55 § 12. This act shall take effect immediately.