

7812

2009-2010 Regular Sessions

I N A S S E M B L Y

April 24, 2009

Introduced by M. of A. BRADLEY -- read once and referred to the Committee on Agriculture

AN ACT to amend the penal law, in relation to codifying animal cruelty laws under the penal law; to amend the agriculture and markets law, the criminal procedure law, the environmental conservation law, the general business law, the family court act and the administrative code of the city of New York, in relation to making conforming technical changes; and to repeal article 26 of the agriculture and markets law relating thereto

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

1 Section 1. The penal law is amended by adding a new article 236 to
2 read as follows:

3 ARTICLE 236

4 OFFENSES AGAINST ANIMALS

5 SECTION 236.00 DEFINITIONS.

6 236.01 PROHIBITION OF ANIMAL FIGHTING.

7 236.02 OVERDRIVING, TORTURING AND INJURING ANIMALS; FAILURE TO
8 PROVIDE PROPER SUSTENANCE.

9 236.03 AGGRAVATED CRUELTY TO ANIMALS.

10 236.04 APPROPRIATE SHELTER FOR DOGS LEFT OUTDOORS.

11 236.05 ELECTROCUTION OF FUR-BEARING ANIMALS PROHIBITED.

12 236.06 SALE OF BABY CHICKS AND BABY RABBITS.

13 236.07 ABANDONMENT OF ANIMALS.

14 236.08 FAILURE TO PROVIDE PROPER FOOD AND DRINK TO AN IMPOUNDED
15 ANIMAL.

16 236.09 SELLING OR OFFERING TO SELL OR EXPOSING DISEASED ANIMAL.

17 236.10 SELLING DISABLED HORSES.

18 236.11 LIVE ANIMALS AS PRIZES PROHIBITED.

19 236.12 CARRYING AN ANIMAL IN A CRUEL MANNER.

20 236.13 TRANSPORTATION OF HORSES.

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

LBD00700-03-9

- 1 236.14 POISONING OR ATTEMPTING TO POISON ANIMALS.
2 236.15 INTERFERENCE WITH OR INJURY TO CERTAIN DOMESTIC ANIMALS.
3 236.16 THROWING SUBSTANCE INJURIOUS TO ANIMALS IN PUBLIC PLACE.
4 236.17 UNAUTHORIZED POSSESSION OF DOGS PRESUMPTIVE EVIDENCE OF
5 LARCENY.
6 236.18 RUNNING HORSES ON HIGHWAY.
7 236.19 CLIPPING OR CUTTING THE EARS OF DOGS.
8 236.20 DOG STEALING.
9 236.21 REMOVING, SEIZING OR TRANSPORTING DOGS FOR RESEARCH
10 PURPOSES.
11 236.22 LEAVING STATE TO AVOID PROVISIONS OF THIS ARTICLE.
12 236.23 OPERATING UPON TAILS OF HORSES UNLAWFUL.
13 236.24 INTERFERENCE WITH OFFICERS.
14 236.25 PROTECTION OF THE PUBLIC FROM ATTACK BY WILD ANIMALS AND
15 REPTILES.
16 236.26 POWERS OF PEACE OFFICERS.
17 236.27 ISSUANCE OF WARRANTS UPON COMPLAINT.
18 236.28 SEIZURE OF ANIMALS LOST, STRAYED, HOMELESS, ABANDONED OR
19 IMPROPERLY CONFINED OR KEPT.
20 236.29 HUMANE DESTRUCTION OR OTHER DISPOSITION OF ANIMALS LOST,
21 STRAYED, HOMELESS, ABANDONED OR IMPROPERLY CONFINED OR
22 KEPT.
23 236.30 OFFICER MAY TAKE POSSESSION OF ANIMALS OR IMPLEMENTS USED
24 IN FIGHTS AMONG ANIMALS.
25 236.31 DISPOSITION OF ANIMALS OR IMPLEMENTS USED IN FIGHTS AMONG
26 ANIMALS.
27 236.32 DISPOSAL OF DEAD ANIMALS.
28 236.33 SPAYING AND NEUTERING OF DOGS AND CATS.
29 236.34 UNLAWFUL TAMPERING WITH ANIMAL RESEARCH.
30 236.35 PROHIBITION OF THE SELLING OF FUR, HAIR, SKIN OR FLESH OF
31 A DOG OR CAT.
32 236.36 CONFINEMENT OF COMPANION ANIMALS IN VEHICLES; EXTREME
33 TEMPERATURES.
- 34 S 236.00 DEFINITIONS.
35 1. "ANIMAL", AS USED IN THIS ARTICLE, INCLUDES EVERY LIVING CREATURE
36 EXCEPT A HUMAN BEING.
37 2. "TORTURE" OR "CRUELTY" INCLUDES EVERY ACT, OMISSION, OR NEGLECT,
38 WHEREBY UNJUSTIFIABLE PHYSICAL PAIN, SUFFERING OR DEATH IS CAUSED OR
39 PERMITTED.
40 3. "ADOPTION" MEANS THE DELIVERY TO ANY NATURAL PERSON EIGHTEEN YEARS
41 OF AGE OR OLDER, FOR THE LIMITED PURPOSE OF HARBORING A PET, OF ANY DOG
42 OR CAT, SEIZED OR SURRENDERED.
43 4. "FARM ANIMAL", AS USED IN THIS ARTICLE, MEANS ANY UNGULATE, POUL-
44 TRY, SPECIES OF CATTLE, SHEEP, SWINE, GOATS, LLAMAS, HORSES OR FUR-BEAR-
45 ING ANIMALS, AS DEFINED IN SECTION 11-1907 OF THE ENVIRONMENTAL CONSER-
46 VATION LAW, WHICH ARE RAISED FOR COMMERCIAL OR SUBSISTENCE PURPOSES.
47 FUR-BEARING ANIMAL SHALL NOT INCLUDE DOGS OR CATS.
48 5. "COMPANION ANIMAL" OR "PET" MEANS ANY DOG OR CAT, AND SHALL ALSO
49 MEAN ANY OTHER DOMESTICATED ANIMAL NORMALLY MAINTAINED IN OR NEAR THE
50 HOUSEHOLD OF THE OWNER OR PERSON WHO CARES FOR SUCH OTHER DOMESTICATED
51 ANIMAL. "PET" OR "COMPANION ANIMAL" SHALL NOT INCLUDE A "FARM ANIMAL" AS
52 DEFINED IN THIS SECTION.
- 53 S 236.01 PROHIBITION OF ANIMAL FIGHTING.
54 1. DEFINITIONS. FOR PURPOSES OF THIS SECTION, THE TERM "ANIMAL FIGHT-
55 ING" SHALL MEAN ANY FIGHT BETWEEN COCKS OR OTHER BIRDS, OR BETWEEN DOGS,
56 BULLS, BEARS OR ANY OTHER ANIMALS, OR BETWEEN ANY SUCH ANIMAL AND A

1 PERSON OR PERSONS, EXCEPT IN EXHIBITIONS OF A KIND COMMONLY FEATURED AT
2 RODEOS.

3 2. ANIMAL FIGHTING; FIRST OFFENSE. (A) ANY PERSON WHO ENGAGES IN ANY
4 OF THE FOLLOWING CONDUCT IS GUILTY OF A CLASS E FELONY FOR HIS OR HER
5 FIRST OFFENSE PUNISHABLE BY IMPRISONMENT FOR A PERIOD NOT TO EXCEED FOUR
6 YEARS, OR BY A FINE NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS, OR BY
7 BOTH SUCH FINE AND IMPRISONMENT:

8 (I) FOR AMUSEMENT OR GAIN, CAUSES ANY ANIMAL TO ENGAGE IN ANIMAL
9 FIGHTING; OR

10 (II) TRAINS ANY ANIMAL UNDER CIRCUMSTANCES EVINCING AN INTENT THAT
11 SUCH ANIMAL ENGAGE IN ANIMAL FIGHTING FOR AMUSEMENT OR GAIN; OR

12 (III) BREEDS, SELLS OR OFFERS FOR SALE ANY ANIMAL UNDER CIRCUMSTANCES
13 EVINCING AN INTENT THAT SUCH ANIMAL ENGAGE IN ANIMAL FIGHTING; OR

14 (IV) PERMITS ANY ACT DESCRIBED IN SUBPARAGRAPH (I), (II) OR (III) OF
15 THIS PARAGRAPH TO OCCUR ON PREMISES UNDER HIS OR HER CONTROL; OR

16 (V) OWNS, POSSESSES OR KEEPS ANY ANIMAL TRAINED TO ENGAGE IN ANIMAL
17 FIGHTING ON PREMISES WHERE AN EXHIBITION OF ANIMAL FIGHTING IS BEING
18 CONDUCTED UNDER CIRCUMSTANCES EVINCING AN INTENT THAT SUCH ANIMAL ENGAGE
19 IN ANIMAL FIGHTING.

20 (B) IF ANY OF THE CONDUCT SPECIFIED IN PARAGRAPH (A) OF THIS SUBDIVI-
21 SION RESULTS IN PHYSICAL INJURY, SERIOUS PHYSICAL INJURY, OR THE DEATH
22 OF THE ANIMAL, THE PERSON WHO ENGAGES IN SUCH CONDUCT SHALL BE GUILTY OF
23 A CLASS D FELONY.

24 3. POSSESSION OF FIGHTING ANIMAL; FIRST OFFENSE. (A) ANY PERSON WHO
25 ENGAGES IN CONDUCT SPECIFIED IN PARAGRAPH (B) OF THIS SUBDIVISION IS
26 GUILTY OF A CLASS A MISDEMEANOR AND IS PUNISHABLE BY IMPRISONMENT FOR A
27 PERIOD NOT TO EXCEED ONE YEAR, OR BY A FINE NOT TO EXCEED FIFTEEN THOU-
28 SAND DOLLARS, OR BY BOTH SUCH FINE AND IMPRISONMENT.

29 (B) THE OWNING, POSSESSING OR KEEPING OF ANY ANIMAL UNDER CIRCUM-
30 STANCES EVINCING AN INTENT THAT SUCH ANIMAL ENGAGE IN ANIMAL FIGHTING.

31 4. ATTENDING OR WAGERING ON ANIMAL FIGHTS; FIRST OFFENSE. (A) ANY
32 PERSON WHO ENGAGES IN CONDUCT SPECIFIED IN PARAGRAPH (B) OF THIS SUBDI-
33 VISION IS GUILTY OF A CLASS A MISDEMEANOR AND IS PUNISHABLE BY IMPRISON-
34 MENT FOR A PERIOD NOT TO EXCEED ONE YEAR, OR BY A FINE NOT TO EXCEED ONE
35 THOUSAND DOLLARS, OR BY BOTH SUCH FINE AND IMPRISONMENT.

36 (B) THE KNOWING PRESENCE AS A SPECTATOR HAVING PAID AN ADMISSION FEE
37 OR HAVING MADE A WAGER AT ANY PLACE WHERE AN EXHIBITION OF ANIMAL FIGHT-
38 ING IS BEING CONDUCTED.

39 5. SECOND AND ADDITIONAL OFFENSES. (A) ANY PERSON WHO IS CONVICTED OF
40 A VIOLATION OF PARAGRAPH (A) OF SUBDIVISION TWO OF THIS SECTION AND HAS
41 PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF SUCH PARAGRAPH SHALL BE
42 GUILTY OF A CLASS D FELONY.

43 (B) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF PARAGRAPH (B) OF
44 SUBDIVISION TWO OF THIS SECTION AND WHO HAS PREVIOUSLY BEEN CONVICTED OF
45 A VIOLATION OF SUCH PARAGRAPH SHALL BE GUILTY OF A CLASS C FELONY.

46 (C) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF PARAGRAPH (A) OF
47 SUBDIVISION TWO OF THIS SECTION AND WHO HAS PREVIOUSLY BEEN CONVICTED
48 TWO OR MORE TIMES OF A VIOLATION OF SUCH PARAGRAPH SHALL BE GUILTY OF A
49 CLASS C FELONY.

50 (D) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF PARAGRAPH (B) OF
51 SUBDIVISION TWO OF THIS SECTION AND WHO HAS PREVIOUSLY BEEN CONVICTED
52 TWO OR MORE TIMES OF A VIOLATION OF SUCH PARAGRAPH SHALL BE GUILTY OF A
53 CLASS B FELONY.

54 (E) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF SUBDIVISION THREE OF
55 THIS SECTION AND HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF SUCH
56 SUBDIVISION SHALL BE GUILTY OF A CLASS E FELONY.

1 (F) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF SUBDIVISION FOUR OF
2 THIS SECTION AND WHO HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF
3 SUCH SUBDIVISION SHALL BE GUILTY OF A CLASS E FELONY.
4 S 236.02 OVERDRIVING, TORTURING AND INJURING ANIMALS; FAILURE TO PROVIDE
5 PROPER SUSTENANCE.

6 1. A PERSON WHO TORTURES OR CRUELLY BEATS OR UNJUSTIFIABLY INJURES,
7 MAIMS, MUTILATES OR KILLS ANY ANIMAL, WHETHER WILD OR TAME, AND WHETHER
8 BELONGING TO HIMSELF, HERSELF, OR TO ANOTHER SHALL BE GUILTY OF A CLASS
9 E FELONY.

10 2. ANY PERSON WHO DEPRIVES ANY ANIMAL OF NECESSARY SUSTENANCE, FOOD OR
11 DRINK, OR NEGLECTS OR REFUSES TO FURNISH IT SUCH SUSTENANCE OR DRINK, OR
12 CAUSES, PROCURES OR PERMITS ANY ANIMAL TO BE OVERDRIVEN OR OVERLOADED,
13 IS GUILTY OF A CLASS A MISDEMEANOR.

14 3. ANY PERSON WHO DEPRIVES ANY ANIMAL OF NECESSARY SUSTENANCE, FOOD OR
15 DRINK, OR NEGLECTS OR REFUSES TO FURNISH IT SUCH SUSTENANCE OR DRINK, OR
16 CAUSES, PROCURES OR PERMITS ANY ANIMAL TO BE OVERDRIVEN OR OVERLOADED,
17 AND SUCH ACT RESULTS IN THE SERIOUS PHYSICAL INJURY OR DEATH OF THE
18 ANIMAL SHALL BE GUILTY OF A CLASS E FELONY.

19 4. (A) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF SUBDIVISION ONE
20 OF THIS SECTION AND WHO HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF
21 SUCH SUBDIVISION SHALL BE GUILTY OF A CLASS D FELONY.

22 (B) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF SUBDIVISION TWO OF
23 THIS SECTION AND WHO HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF
24 SUCH SUBDIVISION SHALL BE GUILTY OF A CLASS E FELONY.

25 (C) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF SUBDIVISION THREE OF
26 THIS SECTION AND WHO HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF
27 SUCH SUBDIVISION SHALL BE GUILTY OF A CLASS D FELONY.

28 5. NOTHING HEREIN CONTAINED SHALL BE CONSTRUED TO PROHIBIT OR INTER-
29 FERE WITH ANY PROPERLY CONDUCTED SCIENTIFIC TESTS, EXPERIMENTS OR INVES-
30 TIGATIONS, INVOLVING THE USE OF LIVING ANIMALS, PERFORMED OR CONDUCTED
31 IN LABORATORIES OR INSTITUTIONS, WHICH ARE APPROVED FOR THESE PURPOSES
32 BY THE COMMISSIONER OF HEALTH. THE COMMISSIONER OF HEALTH SHALL
33 PRESCRIBE THE RULES UNDER WHICH SUCH APPROVALS SHALL BE GRANTED, INCLUD-
34 ING THEREIN STANDARDS REGARDING THE CARE AND TREATMENT OF ANY SUCH
35 ANIMALS. SUCH RULES SHALL BE PUBLISHED AND COPIES THEREOF CONSPICUOUSLY
36 POSTED IN EACH SUCH LABORATORY OR INSTITUTION. THE COMMISSIONER OF
37 HEALTH OR HIS OR HER DULY AUTHORIZED REPRESENTATIVE SHALL HAVE THE POWER
38 TO INSPECT SUCH LABORATORIES OR INSTITUTIONS TO INSURE COMPLIANCE WITH
39 SUCH RULES AND STANDARDS. EACH SUCH APPROVAL MAY BE REVOKED AT ANY TIME
40 FOR FAILURE TO COMPLY WITH SUCH RULES AND IN ANY CASE THE APPROVAL SHALL
41 BE LIMITED TO A PERIOD NOT EXCEEDING ONE YEAR.

42 S 236.03 AGGRAVATED CRUELTY TO ANIMALS.

43 1. A PERSON IS GUILTY OF AGGRAVATED CRUELTY TO ANIMALS WHEN, WITH NO
44 JUSTIFIABLE PURPOSE, HE OR SHE INTENTIONALLY KILLS OR INTENTIONALLY
45 CAUSES SERIOUS PHYSICAL INJURY TO A COMPANION ANIMAL WITH AGGRAVATED
46 CRUELTY.

47 2. FOR PURPOSES OF THIS SECTION, "AGGRAVATED CRUELTY" SHALL MEAN
48 CONDUCT WHICH: (A) IS INTENDED TO CAUSE EXTREME PHYSICAL PAIN; OR (B) IS
49 DONE OR CARRIED OUT IN AN ESPECIALLY DEPRAVED OR SADISTIC MANNER.

50 3. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT OR
51 INTERFERE IN ANY WAY WITH ANYONE LAWFULLY ENGAGED IN HUNTING, TRAPPING,
52 OR FISHING, AS PROVIDED IN ARTICLE ELEVEN OF THE ENVIRONMENTAL CONSERVA-
53 TION LAW, THE DISPATCH OF RABID OR DISEASED ANIMALS, AS PROVIDED IN
54 ARTICLE TWENTY-ONE OF THE PUBLIC HEALTH LAW, OR THE DISPATCH OF ANIMALS
55 POSING A THREAT TO HUMAN SAFETY OR OTHER ANIMALS, WHERE SUCH ACTION IS
56 OTHERWISE LEGALLY AUTHORIZED, OR ANY PROPERLY CONDUCTED SCIENTIFIC

1 TESTS, EXPERIMENTS, OR INVESTIGATIONS INVOLVING THE USE OF LIVING
2 ANIMALS, PERFORMED OR CONDUCTED IN LABORATORIES OR INSTITUTIONS APPROVED
3 FOR SUCH PURPOSES BY THE COMMISSIONER OF HEALTH PURSUANT TO SECTION
4 236.02 OF THIS ARTICLE.

5 4. AGGRAVATED CRUELTY TO ANIMALS IS A CLASS E FELONY.

6 5. ANY PERSON WHO IS CONVICTED OF A VIOLATION OF SUBDIVISION ONE OF
7 THIS SECTION AND WHO HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION UNDER
8 THIS SECTION SHALL BE GUILTY OF A CLASS D FELONY.

9 S 236.04 APPROPRIATE SHELTER FOR DOGS LEFT OUTDOORS.

10 1. FOR PURPOSES OF THIS SECTION:

11 (A) "PHYSICAL CONDITION" SHALL INCLUDE ANY SPECIAL MEDICAL NEEDS OF A
12 DOG DUE TO DISEASE, ILLNESS, INJURY, AGE OR BREED ABOUT WHICH THE OWNER
13 OR PERSON WITH CUSTODY OR CONTROL OF THE DOG SHOULD REASONABLY BE AWARE.

14 (B) "INCLEMENT WEATHER" SHALL MEAN WEATHER CONDITIONS THAT ARE LIKELY
15 TO ADVERSELY AFFECT THE HEALTH OR SAFETY OF THE DOG, INCLUDING BUT NOT
16 LIMITED TO RAIN, SLEET, ICE, SNOW, WIND, OR EXTREME HEAT AND COLD.

17 (C) "DOGS THAT ARE LEFT OUTDOORS" SHALL MEAN DOGS THAT ARE OUTDOORS IN
18 INCLEMENT WEATHER WITHOUT READY ACCESS TO, OR THE ABILITY TO ENTER, A
19 HOUSE, APARTMENT BUILDING, OFFICE BUILDING, OR ANY OTHER PERMANENT
20 STRUCTURE THAT COMPLIES WITH THE STANDARDS ENUMERATED IN PARAGRAPH (B)
21 OF SUBDIVISION FIVE OF THIS SECTION.

22 2. (A) ANY PERSON WHO OWNS OR HAS CUSTODY OR CONTROL OF A DOG THAT IS
23 LEFT OUTDOORS SHALL PROVIDE IT WITH SHELTER APPROPRIATE TO ITS BREED,
24 PHYSICAL CONDITION AND THE CLIMATE. ANY PERSON WHO KNOWINGLY VIOLATES
25 THE PROVISIONS OF THIS SUBDIVISION SHALL BE GUILTY OF A CLASS B MISDE-
26 MEANOR.

27 (B) ANY PERSON WHO VIOLATES THE PROVISIONS OF PARAGRAPH (A) OF THIS
28 SUBDIVISION WHERE SUCH VIOLATION RESULTS IN THE PHYSICAL INJURY TO THE
29 ANIMAL SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

30 (C) ANY PERSON WHO VIOLATES THE PROVISIONS OF PARAGRAPH (A) OF THIS
31 SUBDIVISION WHERE SUCH VIOLATION RESULTS IN THE SERIOUS PHYSICAL INJURY
32 OR DEATH TO THE ANIMAL SHALL BE GUILTY OF A CLASS E FELONY.

33 (D) ANY PERSON WHO VIOLATES THE PROVISIONS OF PARAGRAPH (A) OF THIS
34 SUBDIVISION AND WHO HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF THE
35 PROVISIONS OF SUCH PARAGRAPH SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

36 (E) ANY PERSON WHO VIOLATES THE PROVISIONS OF PARAGRAPH (B) OF THIS
37 SUBDIVISION AND WHO HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF THE
38 PROVISIONS OF SUCH PARAGRAPH SHALL BE GUILTY OF A CLASS E FELONY.

39 (F) ANY PERSON WHO VIOLATES THE PROVISIONS OF PARAGRAPH (C) OF THIS
40 SUBDIVISION AND WHO HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF THE
41 PROVISIONS OF SUCH PARAGRAPH SHALL BE GUILTY OF A CLASS D FELONY.

42 3. BEGINNING SEVENTY-TWO HOURS AFTER A CHARGE OF VIOLATING THIS
43 SECTION, EACH DAY THAT A DEFENDANT FAILS TO CORRECT THE DEFICIENCIES IN
44 THE DOG SHELTER FOR A DOG THAT HE OR SHE OWNS OR THAT IS IN HIS OR HER
45 CUSTODY OR CONTROL AND THAT IS LEFT OUTDOORS, SO AS TO BRING IT INTO
46 COMPLIANCE WITH THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A SEPA-
47 RATE OFFENSE.

48 4. THE COURT MAY, IN ITS DISCRETION, REDUCE THE AMOUNT OF ANY FINE
49 IMPOSED FOR A VIOLATION OF THIS SECTION BY THE AMOUNT WHICH THE DEFEND-
50 ANT PROVES HE OR SHE HAS SPENT PROVIDING A DOG SHELTER OR REPAIRING AN
51 EXISTING DOG SHELTER SO THAT IT COMPLIES WITH THE REQUIREMENTS OF THIS
52 SECTION. NOTHING IN THIS SUBDIVISION SHALL PREVENT THE SEIZURE OF A DOG
53 FOR A VIOLATION OF THIS SECTION PURSUANT TO THE AUTHORITY GRANTED IN
54 THIS ARTICLE.

55 5. MINIMUM STANDARDS FOR DETERMINING WHETHER SHELTER IS APPROPRIATE TO
56 A DOG'S BREED, PHYSICAL CONDITION AND THE CLIMATE SHALL INCLUDE:

1 (A) FOR DOGS THAT ARE RESTRAINED IN ANY MANNER OUTDOORS, SHADE BY
2 NATURAL OR ARTIFICIAL MEANS TO PROTECT THE DOG FROM DIRECT SUNLIGHT AT
3 ALL TIMES WHEN EXPOSURE TO SUNLIGHT IS LIKELY TO THREATEN THE HEALTH OF
4 THE DOG.

5 (B) FOR ALL DOGS THAT ARE LEFT OUTDOORS IN INCLEMENT WEATHER, A HOUS-
6 ING FACILITY, WHICH MUST: (I) HAVE A WATERPROOF ROOF; (II) BE STRUC-
7 TURALLY SOUND WITH INSULATION APPROPRIATE TO LOCAL CLIMATIC CONDITIONS
8 AND SUFFICIENT TO PROTECT THE DOG FROM INCLEMENT WEATHER; (III) BE
9 CONSTRUCTED TO ALLOW EACH DOG ADEQUATE FREEDOM OF MOVEMENT TO MAKE
10 NORMAL POSTURAL ADJUSTMENTS, INCLUDING THE ABILITY TO STAND UP, TURN
11 AROUND AND LIE DOWN WITH ITS LIMBS OUTSTRETCHED; AND (IV) ALLOW FOR
12 EFFECTIVE REMOVAL OF EXCRETIONS, OTHER WASTE MATERIAL, DIRT AND TRASH.
13 THE HOUSING FACILITY AND THE AREA IMMEDIATELY SURROUNDING IT SHALL BE
14 REGULARLY CLEANED TO MAINTAIN A HEALTHY AND SANITARY ENVIRONMENT AND TO
15 MINIMIZE HEALTH HAZARDS.

16 6. INADEQUATE SHELTER MAY BE INDICATED BY THE APPEARANCE OF THE HOUS-
17 ING FACILITY ITSELF, INCLUDING BUT NOT LIMITED TO, SIZE, STRUCTURAL
18 SOUNDNESS, EVIDENCE OF CROWDING WITHIN THE HOUSING FACILITY, HEALTHFUL
19 ENVIRONMENT IN THE AREA IMMEDIATELY SURROUNDING SUCH FACILITY, OR BY THE
20 APPEARANCE OR PHYSICAL CONDITION OF THE DOG.

21 7. UPON A FINDING OF ANY VIOLATION OF THIS SECTION, ANY DOG OR DOGS
22 SEIZED PURSUANT TO THE PROVISIONS OF THIS ARTICLE THAT HAVE NOT BEEN
23 VOLUNTARILY SURRENDERED BY THE OWNER OR CUSTODIAN OR FORFEITED PURSUANT
24 TO COURT ORDER SHALL BE RETURNED TO THE OWNER OR CUSTODIAN ONLY UPON
25 PROOF THAT APPROPRIATE SHELTER AS REQUIRED BY THIS SECTION IS BEING
26 PROVIDED.

27 8. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT ANY
28 PROTECTIONS AFFORDED TO DOGS OR OTHER ANIMALS UNDER ANY OTHER PROVISIONS
29 OF THIS ARTICLE.

30 S 236.05 ELECTROCUTION OF FUR-BEARING ANIMALS PROHIBITED.

31 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO PERSON SHALL INTEN-
32 TIONALLY KILL, OR STUN TO FACILITATE THE KILLING OF, A FUR-BEARING
33 ANIMAL BY MEANS OF AN ELECTRICAL CURRENT. FOR THE PURPOSE OF THIS
34 SECTION, "FUR-BEARING ANIMAL" MEANS ARCTIC FOX, RED FOX, SILVER FOX,
35 CHINCHILLA, MINK, PINE MARTEN, MUSKRAT, AND THOSE FUR-BEARING ANIMALS
36 INCLUDED WITHIN THE PROVISIONS OF SECTION 11-1907 OF THE ENVIRONMENTAL
37 CONSERVATION LAW.

38 2. A VIOLATION OF SUBDIVISION ONE OF THIS SECTION IS A CLASS A MISDE-
39 MEANOR.

40 S 236.06 SALE OF BABY CHICKS AND BABY RABBITS.

41 1. NO PERSON SHALL SELL, OFFER FOR SALE, BARTER OR GIVE AWAY LIVING
42 BABY CHICKS, DUCKLINGS OR OTHER FOWL OR BABY RABBITS UNLESS SUCH PERSON
43 PROVIDES PROPER BROODER FACILITIES WHERE APPROPRIATE FOR THE CARE OF
44 SUCH BABY CHICKS, DUCKLINGS OR OTHER FOWL OR BABY RABBITS DURING THE
45 TIME THEY ARE IN THE POSSESSION OF SUCH PERSON. FOR THE PURPOSES OF THIS
46 SECTION, A BABY RABBIT SHALL BE A RABBIT OF LESS THAN TWO MONTHS OF AGE.

47 2. NO PERSON SHALL SELL, OFFER FOR SALE, BARTER OR DISPLAY LIVING BABY
48 CHICKS, DUCKLINGS OR OTHER FOWL OR BABY RABBITS WHICH HAVE BEEN DYED,
49 COLORED OR OTHERWISE TREATED SO AS TO IMPART TO THEM AN ARTIFICIAL
50 COLOR.

51 3. NO PROVISION OF SUBDIVISION TWO OF THIS SECTION SHALL BE INTERPRET-
52 ED OR APPLIED TO PREVENT OR RESTRICT TEACHERS AND QUALIFIED INSTRUCTORS
53 OF YOUTH UNDER THE GUIDANCE AND SUPERVISION OF THE NEW YORK STATE COOP-
54 ERATIVE EXTENSION SERVICE FROM USING EGGS FOR NON-PROFIT EDUCATIONAL
55 PURPOSES OR FROM OBSERVING FOWL HATCHED FROM SUCH EGGS FOR NON-PROFIT
56 EDUCATIONAL PURPOSES.

1 4. NO PERSON SHALL SELL, OFFER FOR SALE, BARTER OR GIVE AWAY LIVING
2 BABY CHICKS, DUCKLINGS OR OTHER FOWL OR BABY RABBITS UNDER TWO MONTHS OF
3 AGE IN ANY QUANTITY LESS THAN SIX.

4 5. A VIOLATION OF THE PROVISIONS OF THIS SECTION IS A MISDEMEANOR,
5 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF
6 NOT MORE THAN FIVE HUNDRED DOLLARS, OR BY BOTH.

7 S 236.07 ABANDONMENT OF ANIMALS.

8 1. A PERSON BEING THE OWNER OR POSSESSOR, OR HAVING CHARGE OR CUSTODY
9 OF AN ANIMAL, WHO ABANDONS SUCH ANIMAL, OR LEAVES IT TO DIE IN A STREET,
10 ROAD OR PUBLIC PLACE, OR WHO ALLOWS SUCH ANIMAL, IF IT BECOMES DISABLED,
11 TO LIE IN A PUBLIC STREET, ROAD OR PUBLIC PLACE MORE THAN THREE HOURS
12 AFTER HE OR SHE RECEIVES NOTICE THAT IT IS LEFT DISABLED, IS GUILTY OF A
13 CLASS A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN ONE
14 YEAR, OR BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BY BOTH.

15 2. (A) A PERSON BEING THE OWNER OR POSSESSOR, OR HAVING CHARGE OR
16 CUSTODY OF AN ANIMAL, WHO ABANDONS SUCH ANIMAL, OR LEAVES IT TO DIE IN A
17 STREET, ROAD OR PUBLIC PLACE, OR WHO ALLOWS SUCH ANIMAL, IF IT BECOMES
18 DISABLED, TO LIE IN A PUBLIC STREET, ROAD OR PUBLIC PLACE MORE THAN
19 THREE HOURS AFTER HE OR SHE RECEIVES NOTICE THAT IT IS LEFT DISABLED,
20 AND

21 (B) SUCH ACT OR FAILURE TO ACT RESULTS IN THE SERIOUS PHYSICAL INJURY
22 OR DEATH OF THE ANIMAL, IS GUILTY OF A CLASS E FELONY.

23 3. (A) ANY PERSON WHO IS CONVICTED OF VIOLATING THE PROVISIONS OF
24 SUBDIVISION ONE OF THIS SECTION AND WHO HAS PREVIOUSLY BEEN CONVICTED OF
25 A VIOLATION OF SUCH SUBDIVISION SHALL BE GUILTY OF A CLASS E FELONY.

26 (B) ANY PERSON WHO IS CONVICTED OF VIOLATING THE PROVISIONS OF SUBDI-
27 VISION TWO OF THIS SECTION AND WHO HAS PREVIOUSLY BEEN CONVICTED OF A
28 VIOLATION OF SUCH SUBDIVISION SHALL BE GUILTY OF A CLASS D FELONY.

29 S 236.08 FAILURE TO PROVIDE PROPER FOOD AND DRINK TO AN IMPOUNDED
30 ANIMAL.

31 1. (A) A PERSON WHO, HAVING IMPOUNDED OR CONFINED ANY ANIMAL, REFUSES
32 OR NEGLECTS TO SUPPLY TO SUCH ANIMAL DURING ITS CONFINEMENT A SUFFICIENT
33 SUPPLY OF GOOD AND WHOLESOME AIR, FOOD, SHELTER AND WATER, IS GUILTY OF
34 A CLASS A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN ONE
35 YEAR, OR BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BY BOTH.

36 (B) ANY PERSON WHO VIOLATES THE PROVISIONS OF PARAGRAPH (A) OF THIS
37 SUBDIVISION AND SUCH VIOLATION RESULTS IN THE SERIOUS PHYSICAL INJURY OR
38 DEATH OF THE ANIMAL SHALL BE GUILTY OF A CLASS E FELONY.

39 (C) ANY PERSON WHO VIOLATES THE PROVISIONS OF PARAGRAPH (A) OF THIS
40 SUBDIVISION AND WHO HAS PREVIOUSLY BEEN CONVICTED OF VIOLATING THE
41 PROVISIONS OF SUCH PARAGRAPH SHALL BE GUILTY OF A CLASS E FELONY.

42 (D) ANY PERSON WHO VIOLATES THE PROVISIONS OF PARAGRAPH (B) OF THIS
43 SUBDIVISION AND WHO HAS PREVIOUSLY BEEN CONVICTED OF VIOLATING THE
44 PROVISIONS OF SUCH PARAGRAPH SHALL BE GUILTY OF A CLASS D FELONY.

45 2. IN CASE ANY ANIMAL SHALL BE AT ANY TIME IMPOUNDED AS AFORESAID, AND
46 SHALL CONTINUE TO BE WITHOUT NECESSARY FOOD AND WATER FOR MORE THAN
47 TWELVE SUCCESSIVE HOURS, IT SHALL BE LAWFUL FOR ANY PERSON, FROM TIME TO
48 TIME, AND AS OFTEN AS IT SHALL BE NECESSARY, TO ENTER INTO AND UPON ANY
49 POUND IN WHICH ANY SUCH ANIMAL SHALL BE SO CONFINED, AND TO SUPPLY IT
50 WITH NECESSARY FOOD AND WATER, SO LONG AS IT SHALL REMAIN SO CONFINED;
51 SUCH PERSON SHALL NOT BE LIABLE FOR ANY ACTION FOR SUCH ENTRY, AND THE
52 REASONABLE COST OF SUCH FOOD AND WATER MAY BE COLLECTED BY HIM OR HER
53 FROM THE OWNER OF SUCH ANIMAL, AND SAID ANIMAL SHALL NOT BE EXEMPT FROM
54 LEVY AND SALE UPON EXECUTION ISSUED UPON A JUDGMENT THEREFOR.

55 S 236.09 SELLING OR OFFERING TO SELL OR EXPOSING DISEASED ANIMAL.

1 A PERSON WHO WILFULLY SELLS OR OFFERS TO SELL, USES, EXPOSES, OR CAUS-
2 ES OR PERMITS TO BE SOLD, OFFERED FOR SALE, USED OR EXPOSED, ANY HORSE
3 OR OTHER ANIMAL HAVING THE DISEASE KNOWN AS GLANDERS OR FARCY, OR OTHER
4 CONTAGIOUS OR INFECTIOUS DISEASE DANGEROUS TO THE LIFE OR HEALTH OF
5 HUMAN BEINGS, OR ANIMALS, OR WHICH IS DISEASED PAST RECOVERY, OR WHO
6 REFUSES UPON DEMAND TO DEPRIVE OF LIFE AN ANIMAL AFFECTED WITH ANY SUCH
7 DISEASE, IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT
8 MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS
9 OR BY BOTH.

10 S 236.10 SELLING DISABLED HORSES.

11 IT SHALL BE UNLAWFUL FOR ANY PERSON HOLDING AN AUCTIONEER'S LICENSE
12 KNOWINGLY TO RECEIVE OR OFFER FOR SALE OR TO SELL AT PUBLIC AUCTION,
13 OTHER THAN AT A SHERIFF'S OR JUDICIAL SALE UNDER A COURT ORDER, ANY
14 HORSE WHICH BY REASON OF DEBILITY, DISEASE OR LAMENESS, OR FOR ANY OTHER
15 CAUSE, COULD NOT BE WORKED IN THIS STATE WITHOUT VIOLATING THE LAW
16 AGAINST CRUELTY TO ANIMALS. ANY PERSON VIOLATING ANY PROVISION OF THIS
17 SECTION SHALL BE PUNISHABLE BY A FINE OF NOT LESS THAN FIVE DOLLARS NOR
18 MORE THAN ONE HUNDRED DOLLARS, OR BY IMPRISONMENT FOR NOT MORE THAN SIX
19 MONTHS, OR BY BOTH SUCH FINE AND IMPRISONMENT.

20 S 236.11 LIVE ANIMALS AS PRIZES PROHIBITED.

21 1. FOR THE PURPOSES OF THIS SECTION "LIVESTOCK" SHALL MEAN ANY DOMES-
22 TICATED SHEEP, GOAT, HORSE, CATTLE OR SWINE.

23 2. NO PERSON SHALL GIVE OR OFFER TO GIVE AWAY AS A PRIZE, OR EXCHANGE
24 OR OFFER TO EXCHANGE FOR NOMINAL CONSIDERATION, ANY LIVE ANIMAL OTHER
25 THAN PUREBRED LIVESTOCK OR FISH IN ANY GAME, DRAWING, CONTEST, SWEEPS-
26 TAKES OR OTHER PROMOTION, EXCEPT WHEN ANY LIVE ANIMAL IS GIVEN AWAY BY
27 INDIVIDUALS OR ORGANIZATIONS OPERATING IN CONJUNCTION WITH A COOPERATIVE
28 EXTENSION EDUCATION PROGRAM OR AGRICULTURAL VOCATIONAL PROGRAM SANC-
29 TIONED BY THE EDUCATION DEPARTMENT.

30 3. THE COMMISSIONER OF AGRICULTURE AND MARKETS SHALL PROMULGATE RULES
31 AND REGULATIONS WHICH PROVIDE GUIDELINES, CONDITIONS AND REQUIREMENTS
32 WHEN ANY LIVE ANIMAL IS GIVEN AWAY UNDER THE EXCEPTIONS PROVIDED FOR IN
33 SUBDIVISION TWO OF THIS SECTION.

34 4. ANY PERSON WHO VIOLATES THE PROVISIONS OF THIS SECTION SHALL BE
35 SUBJECT TO CIVIL PENALTY OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS OR
36 IN LIEU THEREOF SHALL BE GUILTY OF A VIOLATION PUNISHABLE SOLELY BY A
37 FINE OF NOT MORE THAN TWO HUNDRED FIFTY DOLLARS.

38 S 236.12 CARRYING AN ANIMAL IN A CRUEL MANNER.

39 1. (A) A PERSON WHO CARRIES OR CAUSES TO BE CARRIED IN OR UPON ANY
40 VESSEL OR VEHICLE OR OTHERWISE, ANY ANIMAL IN A CRUEL OR INHUMANE
41 MANNER, OR SO AS TO PRODUCE TORTURE, IS GUILTY OF A CLASS A MISDEMEANOR,
42 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF
43 NOT MORE THAN ONE THOUSAND DOLLARS, OR BY BOTH.

44 (B) ANY PERSON WHO VIOLATES THE PROVISIONS OF PARAGRAPH (A) OF THIS
45 SUBDIVISION AND SUCH VIOLATION RESULTS IN THE SERIOUS PHYSICAL INJURY OR
46 DEATH OF THE ANIMAL SHALL BE GUILTY OF A CLASS E FELONY.

47 (C) ANY PERSON WHO VIOLATES THE PROVISIONS OF PARAGRAPH (A) OF THIS
48 SUBDIVISION AND WHO HAS PREVIOUSLY BEEN CONVICTED OF VIOLATING THE
49 PROVISIONS OF SUCH PARAGRAPH SHALL BE GUILTY OF A CLASS E FELONY.

50 (D) ANY PERSON WHO VIOLATES THE PROVISIONS OF PARAGRAPH (B) OF THIS
51 SUBDIVISION AND WHO HAS PREVIOUSLY BEEN CONVICTED OF VIOLATING THE
52 PROVISIONS OF SUCH PARAGRAPH SHALL BE GUILTY OF A CLASS D FELONY.

53 2. A RAILWAY CORPORATION, OR AN OWNER, AGENT, CONSIGNEE, OR PERSON IN
54 CHARGE OF ANY HORSES, SHEEP, CATTLE, OR SWINE, IN THE COURSE OF, OR FOR
55 TRANSPORTATION, WHO CONFINES, OR CAUSES OR SUFFERS THE SAME TO BE
56 CONFINED, IN CARS FOR A LONGER PERIOD THAN TWENTY-EIGHT CONSECUTIVE

1 HOURS, OR THIRTY-SIX CONSECUTIVE HOURS WHERE CONSENT IS GIVEN IN THE
2 MANNER HEREINAFTER PROVIDED, WITHOUT UNLOADING FOR REST, WATER AND FEED-
3 ING, DURING FIVE CONSECUTIVE HOURS, UNLESS PREVENTED BY STORM OR INEVI-
4 TABLE ACCIDENT, IS GUILTY OF A CLASS A MISDEMEANOR. THE CONSENT WHICH
5 WILL EXTEND THE PERIOD FROM TWENTY-EIGHT TO THIRTY-SIX HOURS SHALL BE
6 GIVEN BY THE OWNER, OR BY PERSON IN CUSTODY OF A PARTICULAR SHIPMENT, BY
7 A WRITING SEPARATE AND APART FROM ANY PRINTED BILL OF LADING OR OTHER
8 RAILROAD FORM. IN ESTIMATING SUCH CONFINEMENT, THE TIME DURING WHICH THE
9 ANIMALS HAVE BEEN CONFINED WITHOUT REST, ON CONNECTING ROADS FROM WHICH
10 THEY ARE RECEIVED, MUST BE COMPUTED.

11 S 236.13 TRANSPORTATION OF HORSES.

12 1. EVERY VEHICLE UTILIZED FOR THE TRANSPORTATION OF MORE THAN SIX
13 HORSES SHALL MEET THE FOLLOWING REQUIREMENTS:

14 (A) THE INTERIORS OF COMPARTMENTS CONTAINING HORSES SHALL BE
15 CONSTRUCTED OF SMOOTH MATERIALS, CONTAINING NO SHARP OBJECTS OR PROTRU-
16 SIONS WHICH ARE HAZARDOUS;

17 (B) THE FLOORS SHALL BE OF SUCH CONSTRUCTION OR COVERED WITH ABRASIVE
18 MATERIAL SO AS TO PREVENT HORSES FROM SKIDDING OR SLIDING;

19 (C) THERE SHALL BE SUFFICIENT APERTURES TO INSURE ADEQUATE VENTI-
20 LATION;

21 (D) THERE SHALL BE SUFFICIENT INSULATION OR COVERINGS TO MAINTAIN AN
22 ADEQUATE TEMPERATURE IN THE COMPARTMENT CONTAINING HORSES;

23 (E) PARTITIONS OF STURDY CONSTRUCTION SHALL BE PLACED A MAXIMUM OF TEN
24 FEET APART IN VEHICLES WHICH DO NOT HAVE STALLS;

25 (F) DOORWAYS SHALL BE OF SUFFICIENT HEIGHT TO ALLOW SAFE INGRESS AND
26 EGRESS OF EACH HORSE CONTAINED IN THE COMPARTMENT;

27 (G) EACH COMPARTMENT CONTAINING HORSES SHALL BE OF SUCH HEIGHT SO AS
28 TO ALLOW SUFFICIENT CLEARANCE ABOVE THE POLL AND WITHERS OF EACH HORSE
29 IN THE COMPARTMENT;

30 (H) RAMPS SUFFICIENT FOR LOADING AND UNLOADING HORSES SHALL BE
31 PROVIDED IF THE VERTICAL DISTANCE FROM THE FLOOR OF THE COMPARTMENT
32 CONTAINING HORSES TO THE GROUND IS GREATER THAN FIFTEEN INCHES; AND

33 (I) THERE SHALL BE AT LEAST TWO DOORWAYS FOR INGRESS AND EGRESS, WHICH
34 SHALL NOT BE ON THE SAME SIDE.

35 2. EVERY VEHICLE UTILIZED FOR THE TRANSPORTATION OF MORE THAN SIX
36 HORSES OVER A HIGHWAY SHALL HAVE NO MORE THAN ONE TIER.

37 3. (A) TRANSPORTING A HORSE IN VIOLATION OF THIS SECTION SHALL BE A
38 VIOLATION PUNISHABLE BY A FINE OF NOT MORE THAN TWO HUNDRED FIFTY
39 DOLLARS.

40 (B) ANY SUBSEQUENT VIOLATION OF THIS SECTION ON A DATE FOLLOWING A
41 CONVICTION UNDER THE PROVISIONS OF THIS SECTION SHALL BE A MISDEMEANOR
42 PUNISHABLE BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS OR IMPRISON-
43 MENT FOR NOT MORE THAN ONE YEAR, OR BOTH.

44 4. THE COMMISSIONER OF AGRICULTURE AND MARKETS SHALL PROMULGATE RULES
45 AND REGULATIONS, INCLUDING SIZE SPECIFICATIONS, AND ESTABLISH GUIDELINES
46 IN ORDER TO FACILITATE COMPLIANCE WITH THE PROVISIONS OF THIS SECTION.

47 5. (A) THE TERM "HORSE" AS USED THROUGHOUT THIS SECTION SHALL APPLY TO
48 THE ENTIRE FAMILY OF EQUIDAE.

49 (B) THE TERM "VEHICLE" AS USED THROUGHOUT THIS SECTION SHALL APPLY TO
50 EVERY DEVICE IN, UPON, OR BY WHICH ANY PERSON OR PROPERTY IS OR MAY BE
51 TRANSPORTED OR DRAWN UPON A HIGHWAY, EXCEPT DEVICES MOVED BY HUMAN POWER
52 OR USED EXCLUSIVELY UPON STATIONARY RAILS OR TRACKS.

53 6. THE COURT IN WHICH A CONVICTION UNDER THE PROVISIONS OF THIS
54 SECTION IS OBTAINED, SHALL, WITHIN THIRTY DAYS OF SUCH CONVICTION, TRAN-
55 SMIT A COPY OF THE RECORD OF CONVICTION TO THE DIVISION OF CRIMINAL

1 JUSTICE SERVICES WHICH SHALL MAINTAIN A RECORD OF SUCH CONVICTION FOR
2 THE PURPOSE OF IDENTIFYING SUBSEQUENT VIOLATIONS OF THIS SECTION.

3 S 236.14 POISONING OR ATTEMPTING TO POISON ANIMALS.

4 1. A PERSON WHO UNJUSTIFIABLY ADMINISTERS ANY POISONOUS OR NOXIOUS
5 DRUG OR SUBSTANCE TO ANY ANIMAL IS GUILTY OF A CLASS E FELONY.

6 2. ANY PERSON WHO VIOLATES THE PROVISIONS OF SUBDIVISION ONE OF THIS
7 SECTION AND SUCH VIOLATION RESULTS IN THE SERIOUS PHYSICAL INJURY OR
8 DEATH OF THE ANIMAL SHALL BE GUILTY OF A CLASS D FELONY.

9 3. ANY PERSON WHO VIOLATES THE PROVISIONS OF SUBDIVISION ONE OF THIS
10 SECTION AND WHO HAS PREVIOUSLY BEEN CONVICTED OF VIOLATING THE
11 PROVISIONS OF SUCH SUBDIVISION SHALL BE GUILTY OF A CLASS D FELONY.

12 4. ANY PERSON WHO VIOLATES THE PROVISIONS OF SUBDIVISION TWO OF THIS
13 SECTION AND WHO HAS PREVIOUSLY BEEN CONVICTED OF A FELONY UNDER SUCH
14 SUBDIVISION SHALL BE GUILTY OF A CLASS C FELONY.

15 S 236.15 INTERFERENCE WITH OR INJURY TO CERTAIN DOMESTIC ANIMALS.

16 A PERSON WHO WILFULLY OR UNJUSTIFIABLY INTERFERES WITH, INJURES,
17 DESTROYS OR TAMPERS WITH OR WHO WILFULLY SETS ON FOOT, INSTIGATES,
18 ENGAGES IN OR IN ANY WAY FURTHERS ANY ACT BY WHICH ANY HORSE, MULE, DOG
19 OR ANY OTHER DOMESTIC ANIMAL USED FOR THE PURPOSES OF RACING, BREEDING
20 OR COMPETITIVE EXHIBITION OF SKILL, BREED OR STAMINA, IS INTERFERED
21 WITH, INJURED, DESTROYED OR TAMPERS WITH, OR ANY ACT TENDING TO PRODUCE
22 SUCH INTERFERENCE, INJURY, DESTRUCTION OR TAMPERING, WHETHER SUCH HORSE,
23 MULE, DOG OR OTHER DOMESTIC ANIMAL BE THE PROPERTY OF HIMSELF, HERSELF
24 OR ANOTHER, IS GUILTY OF A FELONY.

25 S 236.16 THROWING SUBSTANCE INJURIOUS TO ANIMALS IN PUBLIC PLACE.

26 A PERSON WHO WILFULLY THROWS, DROPS OR PLACES, OR CAUSES TO BE THROWN,
27 DROPPED OR PLACED UPON ANY ROAD, HIGHWAY, STREET OR PUBLIC PLACE, ANY
28 GLASS, NAILS, PIECES OF METAL, OR OTHER SUBSTANCE WHICH MIGHT WOUND,
29 DISABLE OR INJURE ANY ANIMAL IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY
30 IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN
31 ONE THOUSAND DOLLARS, OR BY BOTH.

32 S 236.17 UNAUTHORIZED POSSESSION OF DOGS PRESUMPTIVE EVIDENCE OF LARCE-
33 NY.

34 THE UNAUTHORIZED POSSESSION OF A DOG OR DOGS, BY ANY PERSON NOT THE
35 TRUE OWNER, FOR A PERIOD EXCEEDING TEN DAYS, WITHOUT NOTIFYING EITHER
36 THE OWNER, THE LOCAL POLICE AUTHORITIES, OR THE SUPERINTENDENT OF THE
37 STATE POLICE AT ALBANY, NEW YORK, OF SUCH POSSESSION, SHALL BE PRESUMP-
38 TIVE EVIDENCE OF LARCENY.

39 S 236.18 RUNNING HORSES ON HIGHWAY.

40 A PERSON DRIVING ANY VEHICLE UPON ANY PLANK ROAD, TURNPIKE OR PUBLIC
41 HIGHWAY, WHO UNJUSTIFIABLY RUNS THE HORSES DRAWING THE SAME, OR CAUSES
42 OR PERMITS THEM TO RUN, IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRI-
43 SONMENT FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN FIVE
44 HUNDRED DOLLARS, OR BY BOTH.

45 S 236.19 CLIPPING OR CUTTING THE EARS OF DOGS.

46 1. (A) WHOEVER CLIPS OR CUTS OFF OR CAUSES OR PROCURES ANOTHER TO CLIP
47 OR CUT OFF THE WHOLE OR ANY PART OF AN EAR OF ANY DOG UNLESS AN ANES-
48 THETIC SHALL HAVE BEEN GIVEN TO THE DOG AND THE OPERATION PERFORMED BY A
49 LICENSED VETERINARIAN, IS GUILTY OF A CLASS A MISDEMEANOR, PUNISHABLE BY
50 IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR A FINE OF NOT MORE THAN ONE
51 THOUSAND DOLLARS, OR BY BOTH.

52 (B) ANY PERSON WHO VIOLATES THE PROVISIONS OF PARAGRAPH (A) OF THIS
53 SUBDIVISION AND SUCH VIOLATION RESULTS IN THE MAIMING OR TORTURING OF
54 THE ANIMAL THAT CAUSES SERIOUS PHYSICAL INJURY TO THE ANIMAL SHALL BE
55 GUILTY OF A CLASS E FELONY.

1 (C) ANY PERSON WHO VIOLATES THE PROVISIONS OF PARAGRAPH (A) OF THIS
2 SUBDIVISION AND WHO HAS PREVIOUSLY BEEN CONVICTED OF VIOLATING THE
3 PROVISIONS OF SUCH PARAGRAPH SHALL BE GUILTY OF A CLASS E FELONY.

4 (D) ANY PERSON WHO VIOLATES THE PROVISIONS OF PARAGRAPH (B) OF THIS
5 SUBDIVISION AND WHO HAS PREVIOUSLY BEEN CONVICTED OF VIOLATING THE
6 PROVISIONS OF SUCH PARAGRAPH SHALL BE GUILTY OF A CLASS D FELONY.

7 2. EACH APPLICANT FOR A DOG LICENSE MUST STATE ON SUCH APPLICATION
8 WHETHER ANY EAR OF THE DOG FOR WHICH HE OR SHE APPLIES FOR SUCH LICENSE
9 HAS BEEN CUT OFF WHOLLY OR IN PART.

10 3. NOTHING HEREIN CONTAINED SHALL BE CONSTRUED AS PREVENTING ANY DOG
11 WHOSE EAR OR EARS SHALL HAVE BEEN CLIPPED OR CUT OFF WHOLLY OR IN PART,
12 NOT IN VIOLATION OF THIS SECTION, FROM BEING IMPORTED INTO THE STATE
13 EXCLUSIVELY FOR BREEDING PURPOSES.

14 S 236.20 DOG STEALING.

15 1. IT SHALL BE UNLAWFUL FOR ANY PERSON:

16 (A) TO REMOVE OR CAUSE TO BE REMOVED THE COLLAR, IDENTIFICATION TAG OR
17 ANY OTHER IDENTIFICATION BY WHICH THE OWNER MAY BE ASCERTAINED FROM ANY
18 DOG, CAT OR ANY OTHER DOMESTIC ANIMAL AS DEFINED IN SUBDIVISION SEVEN OF
19 SECTION ONE HUNDRED EIGHT OF THE AGRICULTURE AND MARKETS LAW, OR TO
20 ENTICE ANY IDENTIFIED DOG, CAT OR OTHER SUCH DOMESTIC ANIMAL INTO OR OUT
21 OF ANY HOUSE OR ENCLOSURE FOR THE PURPOSE OF REMOVING ITS COLLAR, TAG OR
22 ANY OTHER IDENTIFICATION, EXCEPT WITH THE OWNER'S PERMISSION;

23 (B) TO ENTICE, SEIZE OR MOLEST ANY DOG, WHILE IT IS BEING HELD OR LED
24 BY ANY PERSON OR WHILE IT IS PROPERLY MUZZLED OR WEARING A COLLAR WITH
25 AN IDENTIFICATION TAG ATTACHED, EXCEPT WHERE SUCH ACTION IS INCIDENTAL
26 TO THE ENFORCEMENT OF SOME LAW OR REGULATION;

27 (C) TO TRANSPORT ANY DOG, NOT LAWFULLY IN HIS OR HER POSSESSION, FOR
28 THE PURPOSE OF KILLING OR SELLING SUCH DOG.

29 2. ANY PERSON VIOLATING ANY OF THE PROVISIONS OF THIS SECTION, UPON
30 CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE NOT EXCEEDING TWO
31 HUNDRED DOLLARS, OR BY IMPRISONMENT NOT TO EXCEED SIX MONTHS, OR BY
32 BOTH.

33 S 236.21 REMOVING, SEIZING OR TRANSPORTING DOGS FOR RESEARCH PURPOSES.

34 IT SHALL BE UNLAWFUL FOR ANY PERSON:

35 1. TO REMOVE, SEIZE OR TRANSPORT OR CAUSE TO REMOVE, SEIZE OR TRANS-
36 PORT ANY DOG WHICH BELONGS TO OR IS LICENSED TO ANOTHER FOR THE PURPOSE
37 OF SALE, BARTER OR TO GIVE AWAY SAID DOG TO A LABORATORY, HOSPITAL,
38 RESEARCH INSTITUTE, MEDICAL SCHOOL OR ANY AGENCY OR ORGANIZATION ENGAGED
39 IN RESEARCH ACTIVITY, WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE
40 OWNER OR LICENSEE.

41 2. ANY PERSON WHO VIOLATES THE PROVISION OF THIS SECTION, UPON
42 CONVICTION THEREOF, SHALL BE GUILTY OF A MISDEMEANOR, AND IS PUNISHABLE
43 BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS OR BY IMPRISONMENT FOR
44 NOT MORE THAN SIX MONTHS, OR BY BOTH.

45 S 236.22 LEAVING STATE TO AVOID PROVISIONS OF THIS ARTICLE.

46 A PERSON WHO LEAVES THIS STATE WITH INTENT TO ELUDE ANY OF THE
47 PROVISIONS OF THIS ARTICLE OR TO COMMIT ANY ACT OUT OF THIS STATE WHICH
48 IS PROHIBITED BY THEM OR WHO, BEING A RESIDENT OF THIS STATE, DOES ANY
49 ACT WITHOUT THIS STATE, PURSUANT TO SUCH INTENT, WHICH WOULD BE PUNISHA-
50 BLE UNDER SUCH PROVISIONS, IF COMMITTED WITHIN THIS STATE, IS PUNISHABLE
51 IN THE SAME MANNER AS IF SUCH ACT HAD BEEN COMMITTED WITHIN THIS STATE.

52 S 236.23 OPERATING UPON TAILS OF HORSES UNLAWFUL.

53 1. ANY PERSON WHO CUTS THE BONE, TISSUES, MUSCLES OR TENDONS OF THE
54 TAIL OF ANY HORSE, MARE OR GELDING, OR OTHERWISE OPERATES UPON IT IN ANY
55 MANNER FOR THE PURPOSE OR WITH THE EFFECT OF DOCKING, SETTING, OR OTHER-
56 WISE ALTERING THE NATURAL CARRIAGE OF THE TAIL, OR WHO KNOWINGLY PERMITS

1 THE SAME TO BE DONE UPON PREMISES OF WHICH HE OR SHE IS THE OWNER,
2 LESSEE, PROPRIETOR OR USER, OR WHO ASSISTS IN OR IS VOLUNTARILY PRESENT
3 AT SUCH CUTTING, IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT
4 FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN FIVE HUNDRED
5 DOLLARS OR BY BOTH. IF A HORSE IS FOUND WITH THE BONE, TISSUES, MUSCLES
6 OR TENDONS OF ITS TAIL CUT AS AFORESAID AND WITH THE WOUND RESULTING
7 THEREFROM UNHEALED, UPON THE PREMISES OR IN THE CHARGE AND CUSTODY OF
8 ANY PERSON, SUCH FACT SHALL BE PRIMA FACIE EVIDENCE OF A VIOLATION OF
9 THIS SECTION BY THE OWNER OR USER OF SUCH PREMISES OR THE PERSON HAVING
10 SUCH CHARGE OR CUSTODY, RESPECTIVELY.

11 2. ANY PERSON WHO SHOWS OR EXHIBITS AT ANY HORSE SHOW OR OTHER LIKE
12 EXHIBITION IN THIS STATE A HORSE, MARE OR GELDING, THE TAIL OF WHICH HAS
13 BEEN CUT OR OPERATED UPON IN THE MANNER REFERRED TO IN SUBDIVISION ONE
14 OF THIS SECTION, IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT
15 FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN FIVE HUNDRED
16 DOLLARS, OR BY BOTH; PROVIDED THAT THE PROVISIONS OF THIS SECTION SHALL
17 NOT APPLY WITH RESPECT TO AN ANIMAL THE TAIL OF WHICH HAS BEEN SO CUT OR
18 OPERATED UPON, IF THE OWNER THEREOF FURNISHES TO THE MANAGER OR OTHER
19 OFFICIAL HAVING CHARGE OF THE HORSE SHOW OR EXHIBITION AT WHICH SUCH
20 ANIMAL IS SHOWN OR EXHIBITED AN AFFIDAVIT BY THE OWNER, OR A LICENSED
21 VETERINARIAN, IN A FORM APPROVED BY THE DEPARTMENT OF AGRICULTURE AND
22 MARKETS, STATING THAT IT WAS SO CUT IN A STATE WHEREIN SUCH CUTTING WAS
23 NOT SPECIFICALLY PROHIBITED BY THE LAWS THEREOF. SAID AFFIDAVIT SHALL,
24 TO THE BEST OF AFFIANT'S KNOWLEDGE, INFORMATION AND BELIEF, IDENTIFY THE
25 ANIMAL WITH RESPECT TO SEX, AGE, MARKINGS, SIRE AND DAM, AND STATE THE
26 TIME AND PLACE OF SUCH CUTTING AND THE NAME AND ADDRESS OF THE PERSON BY
27 WHOM PERFORMED. THE AFFIDAVIT SHALL BE SUBJECT TO INSPECTION AT ALL
28 REASONABLE TIMES BY ANY PEACE OFFICER, ACTING PURSUANT TO HIS OR HER
29 SPECIAL DUTIES, OR POLICE OFFICER OF THIS STATE, OR BY A DESIGNATED
30 REPRESENTATIVE OF THE COMMISSIONER OF AGRICULTURE AND MARKETS. IN LIEU
31 OF FURNISHING SUCH AFFIDAVIT TO THE MANAGER OR OTHER OFFICIAL HAVING
32 CHARGE OF SUCH HORSE SHOW OR EXHIBITION, THE OWNER OF SUCH HORSE MAY
33 SPECIFY ON THE ENTRY BLANK FOR THE HORSE SHOW OR EXHIBITION THE NAME AND
34 ADDRESS OF A CENTRAL REGISTRY OFFICE DESIGNATED BY THE DEPARTMENT OF
35 AGRICULTURE AND MARKETS WHERE SUCH AN AFFIDAVIT HAS ALREADY BEEN FILED
36 AND IS AVAILABLE FOR INSPECTION.

37 S 236.24 INTERFERENCE WITH OFFICERS.

38 ANY PERSON WHO SHALL INTERFERE WITH OR OBSTRUCT ANY CONSTABLE OR
39 POLICE OFFICER OR ANY OFFICER OR AGENT OF ANY DULY INCORPORATED SOCIETY
40 FOR THE PREVENTION OF CRUELTY TO ANIMALS IN THE DISCHARGE OF HIS OR HER
41 DUTY TO ENFORCE THE LAWS RELATING TO ANIMALS SHALL BE GUILTY OF A MISDE-
42 MEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY A
43 FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BY BOTH.

44 S 236.25 PROTECTION OF THE PUBLIC FROM ATTACK BY WILD ANIMALS AND
45 REPTILES.

46 ANY PERSON OWNING, POSSESSING OR HARBORING A WILD ANIMAL OR REPTILE
47 CAPABLE OF INFLICTING BODILY HARM UPON A HUMAN BEING, WHO SHALL FAIL TO
48 EXERCISE DUE CARE IN SAFEGUARDING THE PUBLIC FROM ATTACK BY SUCH WILD
49 ANIMAL OR REPTILE, IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISON-
50 MENT FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN FIVE
51 HUNDRED DOLLARS, OR BY BOTH. "WILD ANIMAL" WITHIN THE MEANING OF THIS
52 SECTION, SHALL NOT INCLUDE A DOG OR CAT OR OTHER DOMESTIC ANIMAL.

53 PREVIOUS ATTACKS UPON A HUMAN BEING BY SUCH WILD ANIMAL OR REPTILE, OR
54 KNOWLEDGE OF THE VICIOUS PROPENSITIES OF SUCH WILD ANIMAL OR REPTILE, ON
55 THE PART OF THE POSSESSOR OR HARBORER THEREOF, SHALL NOT BE REQUIRED TO
56 BE PROVEN BY THE PEOPLE UPON A PROSECUTION HEREUNDER; AND NEITHER THE

1 FACT THAT SUCH WILD ANIMAL OR REPTILE HAS NOT PREVIOUSLY ATTACKED A
2 HUMAN BEING, NOR LACK OF KNOWLEDGE OF THE VICIOUS PROPENSITIES OF SUCH
3 WILD ANIMAL OR REPTILE ON THE PART OF THE OWNER, POSSESSOR OR HARBORER
4 THEREOF SHALL CONSTITUTE A DEFENSE TO A PROSECUTION HEREUNDER.

5 S 236.26 POWERS OF PEACE OFFICERS.

6 A CONSTABLE OR POLICE OFFICER MUST, AND ANY AGENT OR OFFICER OF ANY
7 DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS MAY
8 ISSUE AN APPEARANCE TICKET PURSUANT TO SECTION 150.20 OF THE CRIMINAL
9 PROCEDURE LAW, SUMMON OR ARREST, AND BRING BEFORE A COURT OR MAGISTRATE
10 HAVING JURISDICTION, ANY PERSON OFFENDING AGAINST ANY OF THE PROVISIONS
11 OF THIS ARTICLE. ANY OFFICER OR AGENT OF ANY OF SAID SOCIETIES MAY
12 LAWFULLY INTERFERE TO PREVENT THE PERPETRATION OF ANY ACT OF CRUELTY
13 UPON ANY ANIMAL IN HIS OR HER PRESENCE. ANY OF SAID SOCIETIES MAY PREFER
14 A COMPLAINT BEFORE ANY COURT, TRIBUNAL OR MAGISTRATE HAVING JURISDIC-
15 TION, FOR THE VIOLATION OF ANY LAW RELATING TO OR AFFECTING ANIMALS AND
16 MAY AID IN PRESENTING THE LAW AND FACTS BEFORE SUCH COURT, TRIBUNAL OR
17 MAGISTRATE IN ANY PROCEEDING TAKEN.

18 S 236.27 ISSUANCE OF WARRANTS UPON COMPLAINT.

19 UPON COMPLAINT UNDER OATH OR AFFIRMATION TO ANY MAGISTRATE AUTHORIZED
20 TO ISSUE WARRANTS IN CRIMINAL CASES, THAT THE COMPLAINANT HAS JUST AND
21 REASONABLE CAUSE TO SUSPECT THAT ANY OF THE PROVISIONS OF LAW RELATING
22 TO OR IN ANY WAY AFFECTING ANIMALS ARE BEING OR ARE ABOUT TO BE VIOLATED
23 IN ANY PARTICULAR BUILDING OR PLACE, SUCH MAGISTRATE SHALL IMMEDIATELY
24 ISSUE AND DELIVER A WARRANT TO ANY PERSON AUTHORIZED BY LAW TO MAKE
25 ARRESTS FOR SUCH OFFENSES, AUTHORIZING HIM OR HER TO ENTER AND SEARCH
26 SUCH BUILDING OR PLACE, AND TO ARREST ANY PERSON THERE PRESENT FOUND
27 VIOLATING ANY OF SAID LAWS, AND TO BRING SUCH PERSON BEFORE THE NEAREST
28 MAGISTRATE OF COMPETENT JURISDICTION, TO BE DEALT WITH ACCORDING TO LAW.

29 S 236.28 SEIZURE OF ANIMALS LOST, STRAYED, HOMELESS, ABANDONED OR
30 IMPROPERLY CONFINED OR KEPT.

31 1. ANY POLICE OFFICER OR AGENT OR OFFICER OF THE AMERICAN SOCIETY FOR
32 THE PREVENTION OF CRUELTY TO ANIMALS OR ANY DULY INCORPORATED SOCIETY
33 FOR THE PREVENTION OF CRUELTY TO ANIMALS, MAY LAWFULLY TAKE POSSESSION
34 OF ANY LOST, STRAYED, HOMELESS OR ABANDONED ANIMAL FOUND IN ANY STREET,
35 ROAD OR OTHER PUBLIC PLACE.

36 2. ANY POLICE OFFICER IN LEWIS COUNTY MAY LAWFULLY TAKE POSSESSION OF
37 ANY LOST, STRAYED, HOMELESS OR ABANDONED DOMESTIC ANIMAL, AS DEFINED IN
38 SECTION ONE HUNDRED EIGHT OF THE AGRICULTURE AND MARKETS LAW, FOUND IN
39 ANY STREET, ROAD OR OTHER PUBLIC PLACE.

40 3. ANY SUCH POLICE OFFICER OR AGENT OR OFFICER MAY ALSO LAWFULLY TAKE
41 POSSESSION OF ANY ANIMAL IN OR UPON ANY PREMISES OTHER THAN A STREET,
42 ROAD OR OTHER PUBLIC PLACE, WHICH FOR MORE THAN TWELVE SUCCESSIVE HOURS
43 HAS BEEN CONFINED OR KEPT IN A CROWDED OR UNHEALTHY CONDITION OR IN
44 UNHEALTHFUL OR UNSANITARY SURROUNDINGS OR NOT PROPERLY CARED FOR OR
45 WITHOUT NECESSARY SUSTENANCE, FOOD OR DRINK, PROVIDED THAT A COMPLAINT
46 STATING JUST AND REASONABLE GROUNDS IS MADE UNDER OATH OR AFFIRMATION TO
47 ANY MAGISTRATE AUTHORIZED TO ISSUE WARRANTS IN CRIMINAL CASES, AND THAT
48 SUCH WARRANT AUTHORIZING ENTRY AND SEARCH IS ISSUED AND DELIVERED BY
49 SUCH MAGISTRATE; IF JUST AND REASONABLE CAUSE IS SHOWN, THE MAGISTRATE
50 SHALL IMMEDIATELY ISSUE SUCH WARRANT.

51 4. ANY SUCH POLICE OFFICER OR AGENT OR OFFICER MAY ALSO LAWFULLY TAKE
52 POSSESSION OF ANY UNWANTED ANIMAL FROM THE PERSON IN POSSESSION OR
53 CUSTODY THEREOF.

54 5. WHEN ANY PERSON ARRESTED IS, AT THE TIME OF SUCH ARREST, IN CHARGE
55 OF ANY ANIMAL OR OF ANY VEHICLE DRAWN BY OR CONTAINING ANY ANIMAL, ANY
56 AGENT OR OFFICER OF SAID SOCIETY OR SOCIETIES OR ANY POLICE OFFICER MAY

1 TAKE CHARGE OF SUCH ANIMAL AND OF SUCH VEHICLE AND ITS CONTENTS, AND
2 DEPOSIT THE SAME IN A SAFE PLACE OR CUSTODY, OR DELIVER THE SAME INTO
3 THE POSSESSION OF THE POLICE OR SHERIFF OF THE COUNTY OR PLACE WHEREIN
4 SUCH ARREST WAS MADE, WHO SHALL THEREUPON ASSUME THE CUSTODY THEREOF;
5 AND ALL NECESSARY EXPENSES INCURRED IN TAKING CHARGE OF SUCH PROPERTY
6 SHALL BE A CHARGE THEREON.

7 6. NOTHING HEREIN CONTAINED SHALL RESTRICT THE RIGHTS AND POWERS
8 DERIVED FROM SECTION ONE HUNDRED EIGHTEEN OF THE AGRICULTURE AND MARKETS
9 LAW RELATING TO SEIZURE OF UNLICENSED DOGS AND THE DISPOSITION TO BE
10 MADE OF ANIMALS SO SEIZED OR TAKEN, NOR THOSE DERIVED FROM ANY OTHER
11 GENERAL OR SPECIAL LAW RELATING TO THE SEIZURE OR OTHER TAKING OF DOGS
12 AND OTHER ANIMALS BY A SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS.

13 7. (A) IF ANY ANIMAL IS SEIZED AND IMPOUNDED PURSUANT TO THE
14 PROVISIONS OF THIS SECTION OR SECTION 236.30 OF THIS ARTICLE FOR ANY
15 VIOLATION OF THIS ARTICLE, UPON ARRAIGNMENT OF CHARGES THE DULY INCORPO-
16 RATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, HUMANE SOCIETY,
17 POUND, ANIMAL SHELTER OR ANY AUTHORIZED AGENTS THEREOF, HEREINAFTER
18 REFERRED TO FOR THE PURPOSES OF THIS SECTION AS THE "IMPOUNDING ORGAN-
19 IZATION", MAY FILE A PETITION WITH THE COURT REQUESTING THAT THE PERSON
20 FROM WHOM AN ANIMAL IS SEIZED OR THE OWNER OF THE ANIMAL BE ORDERED TO
21 POST A SECURITY. THE SECURITY SHALL BE IN AN AMOUNT SUFFICIENT TO SECURE
22 PAYMENT FOR ALL REASONABLE EXPENSES EXPECTED TO BE INCURRED BY THE
23 IMPOUNDING ORGANIZATION IN CARING AND PROVIDING FOR THE ANIMAL PENDING
24 DISPOSITION OF THE CHARGES. REASONABLE EXPENSES SHALL INCLUDE, BUT NOT
25 BE LIMITED TO, ESTIMATED MEDICAL CARE AND BOARDING OF THE ANIMAL FOR AT
26 LEAST THIRTY DAYS. THE AMOUNT OF THE SECURITY, IF ANY, SHALL BE DETER-
27 MINED BY THE COURT AFTER TAKING INTO CONSIDERATION ALL OF THE FACTS AND
28 CIRCUMSTANCES OF THE CASE INCLUDING, BUT NOT LIMITED TO THE RECOMMENDA-
29 TION OF THE IMPOUNDING ORGANIZATION HAVING CUSTODY AND CARE OF THE
30 SEIZED ANIMAL AND THE COST OF CARING FOR THE ANIMAL. IF A SECURITY HAS
31 BEEN POSTED IN ACCORDANCE WITH THIS SECTION, THE IMPOUNDING ORGANIZATION
32 MAY DRAW FROM THE SECURITY THE ACTUAL REASONABLE COSTS TO BE INCURRED BY
33 SUCH ORGANIZATION IN CARING FOR THE SEIZED ANIMAL.

34 (B) (I) UPON RECEIPT OF A PETITION PURSUANT TO PARAGRAPH (A) OF THIS
35 SUBDIVISION, THE COURT SHALL SET A HEARING ON THE PETITION TO BE
36 CONDUCTED WITHIN TEN BUSINESS DAYS OF THE FILING OF SUCH PETITION. THE
37 PETITIONER SHALL SERVE A TRUE COPY OF THE PETITION UPON THE DEFENDANT
38 AND THE DISTRICT ATTORNEY. THE PETITIONER SHALL ALSO SERVE A TRUE COPY
39 OF THE PETITION ON ANY INTERESTED PERSON. FOR PURPOSES OF THIS SUBDIVI-
40 SION, INTERESTED PERSON SHALL MEAN AN INDIVIDUAL, PARTNERSHIP, FIRM,
41 JOINT STOCK COMPANY, CORPORATION, ASSOCIATION, TRUST, ESTATE OR OTHER
42 LEGAL ENTITY WHO THE COURT DETERMINES MAY HAVE A PECUNIARY INTEREST IN
43 THE ANIMAL WHICH IS THE SUBJECT OF THE PETITION. THE PETITIONER SHALL
44 HAVE THE BURDEN OF PROVING BY A PREPONDERANCE OF THE EVIDENCE THAT THE
45 PERSON FROM WHOM THE ANIMAL WAS SEIZED VIOLATED A PROVISION OF THIS
46 ARTICLE. THE COURT MAY WAIVE FOR GOOD CAUSE SHOWN THE POSTING OF SECURI-
47 TY.

48 (II) IF THE COURT ORDERS THE POSTING OF A SECURITY, THE SECURITY SHALL
49 BE POSTED WITH THE CLERK OF THE COURT WITHIN FIVE BUSINESS DAYS OF THE
50 HEARING PROVIDED FOR IN SUBPARAGRAPH (I) OF THIS PARAGRAPH. THE COURT
51 MAY ORDER THE IMMEDIATE FORFEITURE OF THE SEIZED ANIMAL TO THE IMPOUND-
52 ING ORGANIZATION IF THE PERSON ORDERED TO POST THE SECURITY FAILS TO DO
53 SO. ANY ANIMAL FORFEITED SHALL BE MADE AVAILABLE FOR ADOPTION OR EUTHAN-
54 IZED SUBJECT TO SUBDIVISION SEVEN-A OF SECTION ONE HUNDRED EIGHTEEN OF
55 THE AGRICULTURE AND MARKETS LAW OR SECTION 236.29 OF THIS ARTICLE.

1 (III) IN THE CASE OF AN ANIMAL OTHER THAN A COMPANION ANIMAL OR PET,
2 IF A PERSON ORDERED TO POST SECURITY FAILS TO DO SO, THE COURT MAY, IN
3 ADDITION TO THE FORFEITURE TO A DULY INCORPORATED SOCIETY FOR THE
4 PREVENTION OF CRUELTY TO ANIMALS, HUMANE SOCIETY, POUND, ANIMAL SHELTER
5 OR ANY AUTHORIZED AGENTS THEREOF, AND SUBJECT TO THE RESTRICTIONS OF
6 SECTIONS 236.06, 236.09 AND 236.29 OF THIS ARTICLE, ORDER THE ANIMAL
7 WHICH WAS THE BASIS OF THE ORDER TO BE SOLD, PROVIDED THAT ALL INTER-
8 ESTED PERSONS SHALL FIRST BE PROVIDED THE OPPORTUNITY TO REDEEM THEIR
9 INTEREST IN THE ANIMAL AND TO PURCHASE THE INTEREST OF THE PERSON
10 ORDERED TO POST SECURITY, SUBJECT TO SUCH CONDITIONS AS THE COURT DEEMS
11 APPROPRIATE TO ASSURE PROPER CARE AND TREATMENT OF THE ANIMAL. THE COURT
12 MAY REIMBURSE THE PERSON ORDERED TO POST SECURITY AND ANY INTERESTED
13 PERSONS ANY MONEY EARNED BY THE SALE OF THE ANIMAL LESS ANY COSTS
14 INCLUDING, BUT NOT LIMITED TO, VETERINARY AND CUSTODIAL CARE. ANY ANIMAL
15 DETERMINED BY THE COURT TO BE MAIMED, DISEASED, DISABLED OR INFIRM SO AS
16 TO BE UNFIT FOR SALE OR ANY USEFUL PURPOSE SHALL BE FORFEITED TO A DULY
17 INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS OR A DULY
18 INCORPORATED HUMANE SOCIETY OR AUTHORIZED AGENTS THEREOF, AND BE AVAIL-
19 ABLE FOR ADOPTION OR SHALL BE EUTHANIZED SUBJECT TO SECTION 236.29 OF
20 THIS ARTICLE.

21 (IV) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT OR RESTRICT
22 IN ANY WAY THE RIGHTS OF A SECURED PARTY HAVING A SECURITY INTEREST IN
23 ANY ANIMAL DESCRIBED IN THIS SECTION. THIS SECTION EXPRESSLY DOES NOT
24 IMPAIR OR SUBORDINATE THE RIGHTS OF SUCH A SECURED LENDER HAVING A SECU-
25 RITY INTEREST IN THE ANIMAL OR IN THE PROCEEDS FROM THE SALE OF SUCH
26 ANIMAL.

27 (C) IN NO EVENT SHALL THE SECURITY PREVENT THE IMPOUNDING ORGANIZATION
28 HAVING CUSTODY AND CARE OF THE ANIMAL FROM DISPOSING OF THE ANIMAL
29 PURSUANT TO SECTION 236.29 OF THIS ARTICLE PRIOR TO THE EXPIRATION OF
30 THE THIRTY DAY PERIOD COVERED BY THE SECURITY IF THE COURT MAKES A
31 DETERMINATION OF THE CHARGES AGAINST THE PERSON FROM WHOM THE ANIMAL WAS
32 SEIZED PRIOR THERETO. UPON RECEIPT OF A PETITION FROM THE IMPOUNDING
33 ORGANIZATION, THE COURT MAY ORDER THE PERSON FROM WHOM THE ANIMAL WAS
34 SEIZED OR THE OWNER OF THE ANIMAL TO POST AN ADDITIONAL SECURITY WITH
35 THE CLERK OF THE COURT TO SECURE PAYMENT OF REASONABLE EXPENSES FOR AN
36 ADDITIONAL PERIOD OF TIME PENDING A DETERMINATION BY THE COURT OF THE
37 CHARGES AGAINST THE PERSON FROM WHOM THE ANIMAL WAS SEIZED. THE PERSON
38 WHO POSTED THE SECURITY SHALL BE ENTITLED TO A REFUND OF THE SECURITY IN
39 WHOLE OR PART FOR ANY EXPENSES NOT INCURRED BY SUCH IMPOUNDING ORGANIZA-
40 TION UPON ADJUDICATION OF THE CHARGES. THE PERSON WHO POSTED THE SECURI-
41 TY SHALL BE ENTITLED TO A FULL REFUND OF THE SECURITY, INCLUDING
42 REIMBURSEMENT BY THE IMPOUNDING ORGANIZATION OF ANY AMOUNT ALLOWED BY
43 THE COURT TO BE EXPENDED, AND THE RETURN OF THE ANIMAL SEIZED AND
44 IMPOUNDED UPON ACQUITTAL OR DISMISSAL OF THE CHARGES, EXCEPT WHERE THE
45 DISMISSAL IS BASED UPON AN ADJOURNMENT IN CONTEMPLATION OF DISMISSAL
46 PURSUANT TO SECTION 215.30 OF THE CRIMINAL PROCEDURE LAW. THE COURT
47 ORDER DIRECTING SUCH REFUND AND REIMBURSEMENT SHALL PROVIDE FOR PAYMENT
48 TO BE MADE WITHIN A REASONABLE TIME FROM THE ACQUITTAL OR DISMISSAL OF
49 CHARGES.

50 8. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRA-
51 RY, THE COURT MAY ORDER A PERSON CHARGED WITH ANY VIOLATION OF THIS
52 ARTICLE TO PROVIDE NECESSARY FOOD, WATER, SHELTER AND CARE FOR ANY
53 ANIMAL WHICH IS THE BASIS OF THE CHARGE, WITHOUT THE REMOVAL OF THE
54 ANIMAL FROM ITS EXISTING LOCATION, UNTIL THE CHARGES AGAINST THE PERSON
55 ARE ADJUDICATED. UNTIL A FINAL DETERMINATION OF THE CHARGES IS MADE, ANY
56 LAW ENFORCEMENT OFFICER, OFFICER OF A DULY INCORPORATED SOCIETY FOR THE

1 PREVENTION OF CRUELTY TO ANIMALS, OR ITS AUTHORIZED AGENTS, MAY BE
2 AUTHORIZED BY AN ORDER OF THE COURT TO MAKE REGULAR VISITS TO WHERE THE
3 ANIMAL IS BEING KEPT TO ASCERTAIN IF THE ANIMAL IS RECEIVING NECESSARY
4 FOOD, WATER, SHELTER AND CARE. NOTHING SHALL PREVENT ANY LAW ENFORCEMENT
5 OFFICER, OFFICER OF A DULY INCORPORATED SOCIETY FOR THE PREVENTION OF
6 CRUELTY TO ANIMALS, OR ITS AUTHORIZED AGENTS, FROM APPLYING FOR A
7 WARRANT PURSUANT TO THIS SECTION TO SEIZE ANY ANIMAL BEING HELD BY THE
8 PERSON CHARGED PENDING THE ADJUDICATION OF THE CHARGES IF IT IS DETER-
9 MINED THAT THE ANIMAL IS NOT RECEIVING THE NECESSARY FOOD, WATER, SHEL-
10 TER OR CARE.

11 S 236.29 HUMANE DESTRUCTION OR OTHER DISPOSITION OF ANIMALS LOST,
12 STRAYED, HOMELESS, ABANDONED OR IMPROPERLY CONFINED OR KEPT.

13 1. ANY AGENT OR OFFICER OF THE AMERICAN SOCIETY FOR THE PREVENTION OF
14 CRUELTY TO ANIMALS, OR OF ANY SOCIETY DULY INCORPORATED FOR THAT
15 PURPOSE, OR ANY POLICE OFFICER, MAY LAWFULLY AND HUMANELY DESTROY OR
16 CAUSE TO BE HUMANELY DESTROYED ANY ANIMAL FOUND ABANDONED AND NOT PROP-
17 ERLY CARED FOR, OR ANY LOST, STRAYED, HOMELESS OR UNWANTED ANIMAL, IF
18 UPON EXAMINATION A LICENSED VETERINARY SURGEON SHALL CERTIFY IN WRITING,
19 OR IF TWO REPUTABLE CITIZENS CALLED BY HIM OR HER TO VIEW THE SAME IN
20 HIS OR HER PRESENCE FIND THAT THE ANIMAL IS SO MAIMED, DISEASED, DISA-
21 BLED, OR INFIRM SO AS TO BE UNFIT FOR ANY USEFUL PURPOSE; OR AFTER SUCH
22 AGENT OR OFFICER HAS OBTAINED IN WRITING FROM THE OWNER OF SUCH ANIMAL
23 HIS OR HER CONSENT TO SUCH DESTRUCTION.

24 2. IN THE ABSENCE OF SUCH FINDINGS OR CERTIFICATE THE AMERICAN SOCIETY
25 FOR THE PREVENTION OF CRUELTY TO ANIMALS OR ANY SOCIETY DULY INCORPO-
26 RATED FOR THAT PURPOSE MAY AFTER FIVE DAYS HUMANELY DESTROY ANY ANIMAL
27 OF WHICH POSSESSION IS TAKEN AS PROVIDED FOR IN SECTION 236.28 OF THIS
28 ARTICLE, UNLESS THE SAME IS EARLIER REDEEMED BY ITS OWNER.

29 2-A. THE USE OF A DECOMPRESSION CHAMBER OR DECOMPRESSION DEVICE OF ANY
30 KIND IS HEREBY DECLARED TO BE INHUMANE WHEN USED FOR THE PURPOSE OF
31 DESTROYING AN ANIMAL AND IS HEREBY PROHIBITED.

32 2-B. NO PERSON SHALL EUTHANIZE ANY DOG OR CAT WITH T-61, CURARE, ANY
33 CURARIFORM DRUG, ANY NEURO-MUSCULAR BLOCKING AGENT OR ANY OTHER PARALYZ-
34 ING DRUG.

35 2-C. NO PERSON SHALL EUTHANIZE A DOG OR CAT BY GUNSHOT EXCEPT AS AN
36 EMERGENCY PROCEDURE FOR A DANGEROUS DOG OR A SEVERELY INJURED DOG OR CAT
37 THAT IS SUFFERING AND CANNOT OTHERWISE BE AIDED.

38 2-D. NO PERSON SHALL EUTHANIZE A DOG OR CAT BY GAS EMITTED FROM ANY
39 ENGINE EXHAUST SYSTEM.

40 2-E. NO PERSON SHALL RELEASE ANY DOG OR CAT FROM THE CUSTODY OR
41 CONTROL OF ANY POUND, SHELTER, SOCIETY FOR THE PREVENTION OF CRUELTY TO
42 ANIMALS, HUMANE SOCIETY, DOG PROTECTIVE ASSOCIATION, DOG CONTROL OFFI-
43 CER, PEACE OFFICER OR ANY AGENT THEREOF, FOR ANY PURPOSE EXCEPT ADOPTION
44 OR REDEMPTION BY ITS OWNER.

45 ANY VIOLATION OF THIS SUBDIVISION, OR SUBDIVISION TWO-A, TWO-B, TWO-C
46 OR TWO-D OF THIS SECTION SHALL CONSTITUTE A MISDEMEANOR AND SHALL BE
47 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF
48 NOT MORE THAN ONE THOUSAND DOLLARS, OR BY BOTH.

49 3. IN LIEU OF SUCH DESTRUCTION OR REDEMPTION, SUCH SOCIETY MAY IN ITS
50 DISCRETION LAWFULLY AND WITHOUT LIABILITY DELIVER SUCH ANIMAL FOR
51 ADOPTION TO AN INDIVIDUAL OTHER THAN THE OWNER AFTER THE TIME FOR
52 REDEMPTION HAS EXPIRED.

53 4. PRIOR TO SUCH DESTRUCTION OR OTHER DISPOSITION, THE OWNER OF THE
54 ANIMAL MAY REDEEM THE SAME UPON PROVING TITLE TO THE SATISFACTION OF
55 SUCH SOCIETY AND PAYING SUCH SOCIETY SUCH AMOUNT, APPROVED BY A MAGIS-

1 TRATE, AS MAY HAVE BEEN REASONABLY EXPENDED BY SUCH SOCIETY IN
2 CONNECTION WITH THE CARE AND MAINTENANCE THEREOF.

3 5. (A) IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, UPON
4 CONVICTION FOR ANY VIOLATION OF SECTION 236.01, 236.02, 236.03, 236.04,
5 236.07, 236.08, 236.12, 236.14, 236.15, 236.19 OR 236.23 OF THIS ARTI-
6 CLE, THE CONVICTED PERSON MAY, AFTER A DULY HELD HEARING PURSUANT TO
7 PARAGRAPH (F) OF THIS SUBDIVISION, BE ORDERED BY THE COURT TO FORFEIT,
8 TO A DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS
9 OR A DULY INCORPORATED HUMANE SOCIETY OR AUTHORIZED AGENTS THEREOF, THE
10 ANIMAL OR ANIMALS WHICH ARE THE BASIS OF THE CONVICTION. UPON SUCH AN
11 ORDER OF FORFEITURE, THE CONVICTED PERSON SHALL BE DEEMED TO HAVE RELIN-
12 QUISHED ALL RIGHTS TO THE ANIMALS WHICH ARE THE BASIS OF THE CONVICTION,
13 EXCEPT THOSE GRANTED IN PARAGRAPH (D) OF THIS SUBDIVISION.

14 (B) PURSUANT TO THE PROVISIONS OF SUBDIVISIONS TWO-A, TWO-B, TWO-C AND
15 TWO-D OF THIS SECTION, NO DOG OR CAT IN THE CUSTODY OF A DULY INCORPO-
16 RATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, A DULY INCORPO-
17 RATED HUMANE SOCIETY OR ITS AUTHORIZED AGENTS THEREOF, OR A POUND OR
18 SHELTER, SHALL BE SOLD, TRANSFERRED OR OTHERWISE MADE AVAILABLE TO ANY
19 PERSON FOR THE PURPOSE OF RESEARCH, EXPERIMENTATION OR TESTING. NO
20 AUTHORIZED AGENT OF A DULY INCORPORATED SOCIETY FOR THE PREVENTION OF
21 CRUELTY TO ANIMALS, NOR OF A DULY INCORPORATED HUMANE SOCIETY, SHALL USE
22 ANY ANIMAL PLACED IN ITS CUSTODY BY THE DULY INCORPORATED SOCIETY FOR
23 THE PREVENTION OF CRUELTY TO ANIMALS OR DULY INCORPORATED HUMANE SOCIETY
24 FOR THE PURPOSE OF RESEARCH, EXPERIMENTATION OR TESTING.

25 (C) THE COURT MAY ADDITIONALLY ORDER THAT THE CONVICTED PERSON OR ANY
26 PERSON DWELLING IN THE SAME HOUSEHOLD WHO CONSPIRED, AIDED OR ABETTED IN
27 THE UNLAWFUL ACT WHICH WAS THE BASIS OF THE CONVICTION, OR WHO KNEW OR
28 SHOULD HAVE KNOWN OF THE UNLAWFUL ACT, SHALL NOT OWN, HARBOR, OR HAVE
29 CUSTODY OR CONTROL OF ANY OTHER ANIMALS, OTHER THAN FARM ANIMALS, FOR A
30 PERIOD OF TIME WHICH THE COURT DEEMS REASONABLE.

31 (D) IN THE CASE OF FARM ANIMALS, THE COURT MAY, IN ADDITION TO THE
32 FORFEITURE TO A DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY
33 TO ANIMALS OR A DULY INCORPORATED HUMANE SOCIETY OR AUTHORIZED AGENTS
34 THEREOF, AND SUBJECT TO THE RESTRICTIONS OF SECTIONS 236.06 AND 236.09
35 OF THIS ARTICLE, ORDER THE FARM ANIMALS WHICH WERE THE BASIS OF THE
36 CONVICTION TO BE SOLD. IN NO CASE SHALL FARM ANIMALS WHICH ARE THE BASIS
37 OF THE CONVICTION BE REDEEMED BY THE CONVICTED PERSON WHO IS THE SUBJECT
38 OF THE ORDER OF FORFEITURE OR BY ANY PERSON DWELLING IN THE SAME HOUSE-
39 HOLD WHO CONSPIRED, AIDED OR ABETTED IN THE UNLAWFUL ACT WHICH WAS THE
40 BASIS OF THE CONVICTION, OR WHO KNEW OR SHOULD HAVE KNOWN OF THE UNLAW-
41 FUL ACT. THE COURT SHALL REIMBURSE THE CONVICTED PERSON AND ANY DULY
42 DETERMINED INTERESTED PERSONS, PURSUANT TO PARAGRAPH (F) OF THIS SUBDI-
43 VISION, ANY MONEY EARNED BY THE SALE OF THE FARM ANIMALS LESS ANY COSTS
44 INCLUDING, BUT NOT LIMITED TO, VETERINARY AND CUSTODIAL CARE, AND ANY
45 FINES OR PENALTIES IMPOSED BY THE COURT. THE COURT MAY ORDER THAT THE
46 SUBJECT ANIMALS BE PROVIDED WITH APPROPRIATE CARE AND TREATMENT PENDING
47 THE HEARING AND THE DISPOSITION OF THE CHARGES. ANY FARM ANIMAL ORDERED
48 FORFEITED BUT NOT SOLD SHALL BE REMANDED TO THE CUSTODY AND CHARGE OF A
49 DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS OR
50 DULY INCORPORATED HUMANE SOCIETY OR ITS AUTHORIZED AGENT THEREOF AND
51 DISPOSED OF PURSUANT TO PARAGRAPH (E) OF THIS SUBDIVISION.

52 (E) A DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO
53 ANIMALS OR A DULY INCORPORATED HUMANE SOCIETY IN CHARGE OF ANIMALS
54 FORFEITED PURSUANT TO PARAGRAPH (A) OF THIS SUBDIVISION MAY, IN ITS
55 DISCRETION, LAWFULLY AND WITHOUT LIABILITY, ADOPT THEM TO INDIVIDUALS
56 OTHER THAN THE CONVICTED PERSON OR PERSONS DWELLING IN THE SAME HOUSE-

1 HOLD WHO CONSPIRED, AIDED OR ABETTED IN THE UNLAWFUL ACT WHICH WAS THE
2 BASIS OF THE CONVICTION, OR WHO KNEW OR SHOULD HAVE KNOWN OF THE UNLAW-
3 FUL ACT, OR HUMANELY DISPOSE OF THEM ACCORDING TO THE PROVISIONS OF
4 SUBDIVISIONS TWO-A, TWO-B, TWO-C, AND TWO-D OF THIS SECTION.

5 (F) (I) PRIOR TO AN ORDER OF FORFEITURE OF FARM ANIMALS, A HEARING
6 SHALL BE HELD WITHIN THIRTY DAYS OF CONVICTION, TO DETERMINE THE PECUNI-
7 ARY INTERESTS OF ANY OTHER PERSON IN THE FARM ANIMALS WHICH WERE THE
8 BASIS OF THE CONVICTION. WRITTEN NOTICE SHALL BE SERVED AT LEAST FIVE
9 DAYS PRIOR TO THE HEARING UPON ALL INTERESTED PERSONS. IN ADDITION,
10 NOTICE SHALL BE MADE BY PUBLICATION IN A LOCAL NEWSPAPER AT LEAST SEVEN
11 DAYS PRIOR TO THE HEARING. FOR THE PURPOSES OF THIS SUBDIVISION, INTER-
12 ESTED PERSONS SHALL MEAN ANY INDIVIDUAL, PARTNERSHIP, FIRM, JOINT STOCK
13 COMPANY, CORPORATION, ASSOCIATION, TRUST, ESTATE, OR OTHER LEGAL ENTITY
14 WHO THE COURT DETERMINES MAY HAVE A PECUNIARY INTEREST IN THE FARM
15 ANIMALS WHICH ARE THE SUBJECT OF THE FORFEITURE ACTION.

16 (II) ALL INTERESTED PERSONS SHALL BE PROVIDED AN OPPORTUNITY AT THE
17 HEARING TO REDEEM THEIR INTEREST AS DETERMINED BY THE COURT IN THE
18 SUBJECT FARM ANIMALS AND TO PURCHASE THE INTEREST OF THE CONVICTED
19 PERSON. THE CONVICTED PERSON SHALL BE ENTITLED TO BE REIMBURSED HIS OR
20 HER INTEREST IN THE FARM ANIMALS, LESS ANY COSTS, FINES OR PENALTIES
21 IMPOSED BY THE COURT, AS SPECIFIED UNDER PARAGRAPH (D) OF THIS SUBDIVI-
22 SION. IN NO CASE SHALL THE COURT AWARD CUSTODY OR CONTROL OF THE ANIMALS
23 TO ANY INTERESTED PERSON WHO CONSPIRED, AIDED OR ABETTED IN THE UNLAWFUL
24 ACT WHICH WAS THE BASIS OF THE CONVICTION, OR WHO KNEW OR SHOULD HAVE
25 KNOWN OF THE UNLAWFUL ACT.

26 (G) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT OR RESTRICT IN
27 ANY WAY THE RIGHTS OF A SECURED PARTY HAVING A SECURITY INTEREST IN ANY
28 FARM ANIMAL DESCRIBED IN THIS SECTION. THIS SECTION EXPRESSLY DOES NOT
29 IMPAIR OR SUBORDINATE THE RIGHTS OF SUCH A SECURED LENDER HAVING A SECU-
30 RITY INTEREST IN FARM ANIMALS OR IN THE PROCEEDS FROM THE SALE OF SUCH
31 FARM ANIMALS.

32 S 236.30 OFFICER MAY TAKE POSSESSION OF ANIMALS OR IMPLEMENTS USED IN
33 FIGHTS AMONG ANIMALS.

34 ANY OFFICER AUTHORIZED BY LAW TO MAKE ARRESTS MAY LAWFULLY TAKE
35 POSSESSION OF ANY ANIMALS, OR IMPLEMENTS, OR OTHER PROPERTY USED OR
36 EMPLOYED, OR ABOUT TO BE USED OR EMPLOYED, IN THE VIOLATION OF ANY
37 PROVISION OF LAW RELATING TO FIGHTS AMONG ANIMALS. HE OR SHE SHALL STATE
38 TO THE PERSON IN CHARGE THEREOF, AT THE TIME OF SUCH TAKING, HIS OR HER
39 NAME AND RESIDENCE, AND ALSO, THE TIME AND PLACE AT WHICH THE APPLICA-
40 TION PROVIDED FOR BY SECTION 236.31 OF THE ARTICLE WILL BE MADE.

41 S 236.31 DISPOSITION OF ANIMALS OR IMPLEMENTS USED IN FIGHTS AMONG
42 ANIMALS.

43 THE OFFICER, AFTER TAKING POSSESSION OF SUCH ANIMALS, OR IMPLEMENTS,
44 OR OTHER PROPERTY, PURSUANT TO SECTION 236.30 OF THIS ARTICLE, SHALL
45 APPLY TO THE MAGISTRATE BEFORE WHOM COMPLAINT IS MADE AGAINST THE OFFEN-
46 DER VIOLATING SUCH PROVISION OF LAW, FOR THE ORDER AUTHORIZED BY THIS
47 SECTION, AND SHALL MAKE AND FILE AN AFFIDAVIT WITH SUCH MAGISTRATE,
48 STATING THEREIN THE NAME OF THE OFFENDER CHARGED IN SUCH COMPLAINT, THE
49 TIME, PLACE AND DESCRIPTION OF THE ANIMALS, IMPLEMENTS OR OTHER PROPERTY
50 SO TAKEN, TOGETHER WITH THE NAME OF THE PARTY WHO CLAIMS THE SAME, IF
51 KNOWN, AND THAT THE AFFIANT HAS REASON TO BELIEVE AND DOES BELIEVE,
52 STATING THE GROUNDS OF SUCH BELIEF, THAT THE SAME WERE USED OR EMPLOYED,
53 OR WERE ABOUT TO BE USED OR EMPLOYED, IN SUCH VIOLATION, AND WILL ESTAB-
54 LISH THE TRUTH THEREOF UPON THE TRIAL OF SUCH OFFENDER. HE OR SHE SHALL
55 THEN DELIVER SUCH ANIMALS, IMPLEMENTS, OR OTHER PROPERTY, TO SUCH MAGIS-
56 TRATE, WHO SHALL THEREUPON, BY ORDER IN WRITING, PLACE THE SAME IN THE

1 CUSTODY OF AN OFFICER OR OTHER PROPER PERSON IN SUCH ORDER NAMED AND
2 DESIGNATED, TO BE BY HIM OR HER KEPT UNTIL THE TRIAL OR FINAL DISCHARGE
3 OF THE OFFENDER, AND SHALL SEND A COPY OF SUCH ORDER, WITHOUT DELAY, TO
4 THE DISTRICT ATTORNEY OF THE COUNTY. THE OFFICER OR PERSON SO NAMED AND
5 DESIGNATED IN SUCH ORDER, SHALL IMMEDIATELY THEREUPON ASSUME SUCH CUSTO-
6 DY, AND SHALL RETAIN THE SAME FOR THE PURPOSE OF EVIDENCE UPON SUCH
7 TRIAL, SUBJECT TO THE ORDER OF THE COURT BEFORE WHICH SUCH OFFENDER MAY
8 BE REQUIRED TO APPEAR, UNTIL HIS OR HER FINAL DISCHARGE OR CONVICTION.
9 UPON THE CONVICTION OF SUCH OFFENDER, THE ANIMALS, IMPLEMENTS, OR OTHER
10 PROPERTY, SHALL BE ADJUDGED BY THE COURT TO BE FORFEITED. IN THE EVENT
11 OF THE ACQUITTAL OR FINAL DISCHARGE, WITHOUT CONVICTION, OF SUCH OFFEN-
12 DER, SUCH COURT SHALL, ON DEMAND, DIRECT THE DELIVERY OF THE PROPERTY SO
13 HELD IN CUSTODY TO THE OWNER THEREOF.

14 S 236.32 DISPOSAL OF DEAD ANIMALS.

15 1. THE CARCASSES OF LARGE DOMESTIC ANIMALS, INCLUDING BUT NOT LIMITED
16 TO HORSES, COWS, SHEEP, SWINE, GOATS AND MULES, WHICH HAVE DIED OTHER-
17 WISE THAN BY SLAUGHTER, SHALL BE BURIED AT LEAST THREE FEET BELOW THE
18 SURFACE OF THE GROUND OR OTHERWISE DISPOSED OF IN A SANITARY MANNER BY
19 THE OWNER OF SUCH ANIMALS, WHETHER THE CARCASSES ARE LOCATED ON THE
20 PREMISES OF SUCH OWNER OR ELSEWHERE. SUCH DISPOSAL SHALL BE COMPLETED
21 WITHIN SEVENTY-TWO HOURS AFTER THE OWNER IS DIRECTED TO DO SO BY ANY
22 PEACE OFFICER, ACTING PURSUANT TO HIS OR HER SPECIAL DUTIES, POLICE
23 OFFICER, OR BY A DESIGNATED REPRESENTATIVE OF THE COMMISSIONER OF AGRI-
24 CULTURE AND MARKETS.

25 2. NOTWITHSTANDING SECTION FORTY-ONE OF THE AGRICULTURE AND MARKETS
26 LAW, ANY VIOLATION OF THIS SECTION SHALL CONSTITUTE A VIOLATION. THIS
27 SECTION SHALL NOT APPLY TO ANIMAL CARCASSES USED FOR EXPERIMENTAL OR
28 TEACHING PURPOSES.

29 S 236.33 SPAYING AND NEUTERING OF DOGS AND CATS.

30 1. THE LEGISLATURE FINDS THAT THE UNCONTROLLED BREEDING OF DOGS AND
31 CATS IN THE STATE RESULTS IN AN OVERABUNDANCE OF PUPPIES AND KITTENS.
32 MORE PUPPIES AND KITTENS ARE PRODUCED THAN RESPONSIBLE HOMES FOR THEM
33 CAN BE PROVIDED. THIS LEADS TO MANY OF SUCH ANIMALS BECOMING STRAY AND
34 SUFFERING PRIVATION AND DEATH, BEING IMPOUNDED AND DESTROYED AT GREAT
35 EXPENSE TO THE COMMUNITY AND CONSTITUTING A PUBLIC NUISANCE AND HEALTH
36 HAZARD. IT IS THEREFORE DECLARED TO BE THE PUBLIC POLICY OF THIS STATE
37 THAT EVERY FEASIBLE HUMANE MEANS OF REDUCING THE PRODUCTION OF UNWANTED
38 PUPPIES AND KITTENS BE ENCOURAGED.

39 2. NO ANIMAL SHELTER, POUND, DOG CONTROL OFFICER, HUMANE SOCIETY, DOG
40 OR CAT PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR THE
41 PREVENTION OF CRUELTY TO ANIMALS SHALL RELEASE ANY DOG OR CAT FOR
42 ADOPTION TO ANY PERSON UNLESS PRIOR THERETO:

43 (A) THE DOG OR CAT HAS BEEN SPAYED OR NEUTERED; OR

44 (B) THE PERSON INTENDING TO ADOPT THE DOG OR CAT SHALL HAVE EXECUTED A
45 WRITTEN AGREEMENT WITH THE ANIMAL SHELTER, POUND, DOG CONTROL OFFICER,
46 HUMANE SOCIETY, DOG OR CAT PROTECTIVE ASSOCIATION, OR DULY INCORPORATED
47 SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, TO HAVE THE DOG OR CAT
48 SPAYED OR NEUTERED WITHIN THIRTY DAYS FROM THE ADOPTION DATE, OR IN THE
49 CASE OF A DOG OR CAT WHICH HAS NOT YET REACHED SEXUAL MATURITY, WITHIN
50 THIRTY DAYS OF THE DOG OR CAT REACHING SIX MONTHS OF AGE. THE PERSON
51 INTENDING TO ADOPT THE DOG OR CAT SHALL DEPOSIT WITH THE ANIMAL SHELTER,
52 POUND, DOG CONTROL OFFICER, HUMANE SOCIETY, DOG OR CAT PROTECTIVE ASSO-
53 CIATION, OR DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO
54 ANIMALS, AN AMOUNT OF NOT LESS THAN THIRTY-FIVE DOLLARS. NOT MORE THAN
55 EVERY TWO YEARS, THE COMMISSIONER OF AGRICULTURE AND MARKETS, AFTER

1 HOLDING A PUBLIC HEARING, MAY RAISE THE AMOUNT TO BE DEPOSITED TO
2 REFLECT RISING COSTS; OR

3 (C) THE PERSON INTENDING TO ADOPT THE DOG OR CAT SHALL HAVE EXECUTED A
4 WRITTEN AGREEMENT WITH THE ANIMAL SHELTER, POUND, DOG CONTROL OFFICER,
5 HUMANE SOCIETY, DOG OR CAT PROTECTIVE ASSOCIATION OR SOCIETY FOR THE
6 PREVENTION OF CRUELTY TO ANIMALS TO HAVE THE DOG OR CAT SPAYED OR
7 NEUTERED WITHIN THIRTY DAYS FROM THE ADOPTION DATE, OR IN THE CASE OF A
8 DOG OR CAT WHICH HAS NOT YET REACHED SEXUAL MATURITY, WITHIN THIRTY DAYS
9 OF THE DOG OR CAT REACHING SIX MONTHS OF AGE. THE PERSON INTENDING TO
10 ADOPT THE DOG OR CAT SHALL HAVE PAID AN ADOPTION FEE WHICH INCLUDES THE
11 COST OF THE SPAY OR NEUTER PROCEDURE. THE WRITTEN AGREEMENT SHALL
12 REQUIRE THAT THE ANIMAL SHELTER, POUND, DOG CONTROL OFFICER, HUMANE
13 SOCIETY, DOG OR CAT PROTECTIVE ASSOCIATION OR SOCIETY FOR THE PREVENTION
14 OF CRUELTY TO ANIMALS FROM WHICH THE DOG OR CAT IS ADOPTED BEAR THE COST
15 OF THE SPAY OR NEUTER PROCEDURE.

16 3. FOR THE PURPOSES OF THIS SECTION, THE AGE OF THE ANIMAL AT THE TIME
17 OF ADOPTION SHALL BE DETERMINED BY THE ANIMAL SHELTER, POUND, DOG
18 CONTROL OFFICER, HUMANE SOCIETY, DOG OR CAT PROTECTIVE ASSOCIATION, OR
19 DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS THAT
20 RELEASES THE ANIMAL FOR ADOPTION AND SUCH AGE SHALL BE CLEARLY WRITTEN
21 ON THE WRITTEN AGREEMENT BY THE ANIMAL SHELTER, POUND, DOG CONTROL OFFI-
22 CER, HUMANE SOCIETY, DOG OR CAT PROTECTIVE ASSOCIATION, OR DULY INCORPO-
23 RATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, PRIOR TO THE
24 AGREEMENT BEING EXECUTED BY THE PERSON ADOPTING THE ANIMAL.

25 4. ANY DEPOSIT COLLECTED PURSUANT TO PARAGRAPH (B) OF SUBDIVISION TWO
26 OF THIS SECTION THAT IS NOT CLAIMED WITHIN NINETY DAYS OF ITS
27 COLLECTION, OR IF THE DEPOSIT IS FOR AN ANIMAL UNDER SIX MONTHS OF AGE,
28 WITHIN SIXTY DAYS AFTER THE ANIMAL HAS REACHED SIX MONTHS OF AGE, SHALL
29 BE DEPOSITED IN THE ANIMAL POPULATION CONTROL FUND ESTABLISHED PURSUANT
30 TO SECTION NINETY-SEVEN-XX OF THE STATE FINANCE LAW.

31 DEPOSITS COLLECTED PURSUANT TO PARAGRAPH (B) OF SUBDIVISION TWO OF
32 THIS SECTION SHALL BE REFUNDED TO THE ADOPTER UPON PRESENTATION TO THE
33 ANIMAL SHELTER, POUND, DOG CONTROL OFFICER, HUMANE SOCIETY, DOG AND CAT
34 PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR THE PREVENTION
35 OF CRUELTY TO ANIMALS OF WRITTEN DOCUMENTATION FROM A LICENSED VETERINA-
36 RIAN THAT THE DOG OR CAT HAS BEEN SPAYED OR NEUTERED, PROVIDED THAT THE
37 ANIMAL HAS BEEN SPAYED OR NEUTERED WITHIN THE TIME SPECIFIED IN THE
38 WRITTEN AGREEMENT, OR THAT BECAUSE OF OLD AGE OR OTHER HEALTH REASONS,
39 AS CERTIFIED BY A LICENSED VETERINARIAN EXAMINING THE DOG OR CAT, SPAY-
40 ING OR NEUTERING WOULD ENDANGER THE ANIMAL'S LIFE.

41 5. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT ANY TOWN, CITY,
42 VILLAGE OR COUNTY IN THIS STATE FROM ENACTING A LOCAL LAW OR ORDINANCE
43 REQUIRING THAT ANIMAL SHELTERS, POUNDS, DOG CONTROL OFFICERS, HUMANE
44 SOCIETIES, DOG OR CAT PROTECTIVE ASSOCIATIONS AND DULY INCORPORATED
45 SOCIETIES FOR THE PREVENTION OF CRUELTY TO ANIMALS WITHIN SUCH TOWN,
46 CITY, VILLAGE OR COUNTY SPAY OR NEUTER DOGS AND CATS PRIOR TO RELEASING
47 SUCH ANIMALS FOR ADOPTION, PROVIDED THAT SUCH LOCAL LAW OR ORDINANCE MAY
48 REQUIRE SPAYING OR NEUTERING AT AN AGE EARLIER, BUT IN NO EVENT LATER
49 THAN THAT REQUIRED IN THIS SECTION, EXCEPT WHERE BECAUSE OF ADVANCED AGE
50 OR OTHER HEALTH REASONS, AS CERTIFIED BY A LICENSED VETERINARIAN WHO HAS
51 EXAMINED THE DOG OR CAT, SPAYING OR NEUTERING WOULD ENDANGER THE LIFE OF
52 THE ANIMAL. A TOWN, CITY, VILLAGE OR COUNTY IN THIS STATE THAT ENACTS
53 SUCH A LOCAL LAW OR ORDINANCE SHALL BE EXEMPT FROM THE PROVISIONS OF
54 THIS SECTION.

55 S 236.34 UNLAWFUL TAMPERING WITH ANIMAL RESEARCH.

1 1. DEFINITIONS. FOR THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS
2 SHALL HAVE THE FOLLOWING MEANINGS:

3 (A) "INFECTIOUS AGENTS" SHALL BE LIMITED TO THOSE ORGANISMS THAT CAUSE
4 SERIOUS PHYSICAL INJURY OR DEATH TO HUMANS.

5 (B) "ANIMAL" MEANS ANY WARM OR COLD-BLOODED ANIMAL OR INSECT WHICH IS
6 BEING USED IN FOOD OR FIBER PRODUCTION, AGRICULTURE, RESEARCH, TESTING,
7 OR EDUCATION, HOWEVER, SHALL NOT INCLUDE ANY ANIMAL HELD PRIMARILY AS A
8 PET.

9 (C) "FACILITY" MEANS ANY BUILDING, STRUCTURE, LABORATORY, VEHICLE,
10 PASTURE, PADDOCK, POND, IMPOUNDMENT OR PREMISES WHERE ANY SCIENTIFIC
11 RESEARCH, TEST, EXPERIMENT, PRODUCTION, EDUCATION, OR INVESTIGATION
12 INVOLVING THE USE OF ANY ANIMAL IS CARRIED OUT, CONDUCTED OR ATTEMPTED
13 OR WHERE RECORDS OR DOCUMENTS RELATING TO AN ANIMAL OR ANIMAL RESEARCH,
14 TESTS, EXPERIMENTS, PRODUCTION, EDUCATION OR INVESTIGATION ARE MAIN-
15 TAINED.

16 (D) "RELEASE" MEANS TO INTENTIONALLY SET FREE FROM ANY FACILITY ANY
17 ANIMAL WITHOUT ANY RIGHT, TITLE, OR CLAIM THERETO.

18 (E) "ABANDONMENT" MEANS THE INTENTIONAL RELINQUISHMENT OR FORSAKING OF
19 POSSESSION OR CONTROL OF ANY ANIMAL RELEASED FROM A FACILITY.

20 (F) "PERSON" MEANS ANY INDIVIDUAL, FIRM, ORGANIZATION, PARTNERSHIP,
21 ASSOCIATION OR CORPORATION.

22 (G) "SECRET SCIENTIFIC MATERIAL" MEANS A SAMPLE, CULTURE, MICRO-ORGAN-
23 ISM, SPECIMEN, RECORD, RECORDING, DOCUMENT, DRAWING OR ANY OTHER ARTI-
24 CLE, MATERIAL, DEVICE OR SUBSTANCE WHICH CONSTITUTES, REPRESENTS,
25 EVIDENCES, REFLECTS, OR RECORDS A SCIENTIFIC OR TECHNICAL PROCESS,
26 INVENTION OR FORMULA OR ANY PART OR PHASE THEREOF WHICH IS STORED, TEST-
27 ED, STUDIED OR EXAMINED IN ANY FACILITY, AND WHICH IS NOT, AND NOT
28 INTENDED TO BE, AVAILABLE TO ANYONE OTHER THAN THE PERSON OR PERSONS
29 RIGHTFULLY IN POSSESSION THEREOF OR SELECTED PERSONS HAVING ACCESS THER-
30 ETO WITH HIS, HER OR THEIR CONSENT, AND WHEN IT ACCORDS OR MAY ACCORD
31 SUCH RIGHTFUL POSSESSORS AN ADVANTAGE OVER COMPETITORS OR OTHER PERSONS
32 WHO DO NOT HAVE KNOWLEDGE OR THE BENEFIT THEREOF.

33 (H) "NOTICE" MEANS TO PROVIDE INFORMATION IN SUCH DETAIL TO MAKE A
34 REASONABLE PERSON AWARE OF THE PRESENCE IN A FACILITY OF INFECTIOUS
35 AGENTS OR SECRET SCIENTIFIC MATERIAL.

36 2. NOTICE. ANY PERSON WHO, AFTER NOTICE HAS BEEN GIVEN BY:

37 (A) ACTUAL NOTICE IN WRITING OR ORALLY TO THE PERSON; OR

38 (B) PROMINENTLY POSTING WRITTEN NOTICE UPON OR IMMEDIATELY ADJACENT TO
39 THE FACILITY; OR

40 (C) NOTICE THAT IS ANNOUNCED UPON ENTRY TO THE FACILITY BY ANY PERSON:

41 (I) KNOWINGLY OR INTENTIONALLY RELEASES AN ANIMAL FROM A FACILITY OR
42 CAUSES THE ABANDONMENT OF AN ANIMAL KNOWING THAT SUCH ANIMAL WAS EXPOSED
43 TO INFECTIOUS AGENTS PRIOR TO SUCH RELEASE OR ABANDONMENT AND WAS CAPA-
44 BLE OF TRANSMITTING SUCH INFECTIOUS AGENTS TO HUMANS; OR

45 (II) WITH INTENT TO DO SO, CAUSES LOSS OR DAMAGE TO SECRET SCIENTIFIC
46 MATERIAL, AND HAVING NO RIGHT TO DO SO NOR ANY REASONABLE GROUND TO
47 BELIEVE THAT HE OR SHE HAS SUCH RIGHT, CAUSES LOSS OF OR DAMAGE TO ANY
48 SECRET SCIENTIFIC MATERIAL IN AN AMOUNT IN EXCESS OF TWO HUNDRED FIFTY
49 DOLLARS AT A FACILITY, SHALL BE GUILTY OF UNLAWFUL TAMPERING WITH ANIMAL
50 RESEARCH. UNLAWFUL TAMPERING WITH ANIMAL RESEARCH IS A CLASS E FELONY.

51 3. PRIVATE RIGHT OF ACTION. ANY PERSON WHO VIOLATES ANY PROVISION OF
52 THIS SECTION SHALL BE LIABLE IN ANY COURT OF COMPETENT JURISDICTION,
53 INCLUDING SMALL CLAIMS COURT, IN AN AMOUNT EQUAL TO:

54 (A) DAMAGES SUSTAINED AS A RESULT OF SUCH VIOLATION OR FIFTY DOLLARS,
55 WHICHEVER IS GREATER, FOR EACH VIOLATION;

56 (B) SUCH ADDITIONAL PUNITIVE DAMAGES AS THE COURT MAY ALLOW;

1 (C) ATTORNEY'S FEES AND COSTS; AND

2 (D) COST OF DUPLICATING ANY EXPERIMENT WHICH WAS DAMAGED BY THE UNLAW-
3 FUL TAMPERING WITH ANIMAL RESEARCH, IF APPLICABLE.

4 IN ANY ACTION BROUGHT BY ANY PERSON TO ENFORCE THIS SECTION, THE COURT
5 MAY, SUBJECT TO ITS JURISDICTION, ISSUE AN INJUNCTION TO RESTRAIN OR
6 PREVENT ANY VIOLATION OF THIS SECTION OR ANY CONTINUANCE OF ANY SUCH
7 VIOLATION.

8 S 236.35 PROHIBITION OF THE SELLING OF FUR, HAIR, SKIN OR FLESH OF A DOG
9 OR CAT.

10 1. IT SHALL BE UNLAWFUL FOR ANY PERSON, FIRM, PARTNERSHIP OR CORPO-
11 RATION TO KNOWINGLY IMPORT, SELL, OFFER FOR SALE, MANUFACTURE, DISTRIB-
12 UTE, TRANSPORT OR OTHERWISE MARKET OR TRADE IN THE FUR, HAIR, SKIN OR
13 FLESH OF A DOMESTICATED DOG (CANIS FAMILIARIS) OR DOMESTICATED CAT
14 (FELIS CATUS OR DOMESTICUS), WHETHER DOMESTICALLY RAISED OR IMPORTED
15 FROM ANOTHER COUNTRY, OR ANY PRODUCT OR ITEM CONTAINING OR COMPRISED OF
16 THE FUR, HAIR, SKIN OR FLESH OF A DOG OR CAT. AS USED IN THIS SECTION
17 THE TERM "DOMESTICATED DOG OR CAT" SHALL NOT MEAN OR INCLUDE COYOTE
18 (RANIS LATRANS), FOX (VULPES VOLPES, VULPES CINEREOARGENTEUS), LYNX
19 (FELIS LYNX) OR BOBCAT (FELIS RUFUS).

20 2. MANUFACTURERS OR SUPPLIERS SHALL PROVIDE CERTIFICATION TO EACH
21 RETAILER THAT ANY FUR, HAIR, SKIN OR FLESH CONTAINED IN SUCH ITEMS IS
22 NOT DERIVED FROM DOMESTICATED DOG OR DOMESTICATED CAT.

23 3. THE COMMISSIONER OF AGRICULTURE AND MARKETS SHALL MAINTAIN A STAND-
24 ARD FOR THE CERTIFICATION REQUIRED BY THE PROVISIONS OF SUBDIVISION TWO
25 OF THIS SECTION.

26 4. A VIOLATION OF THIS SECTION SHALL BE PUNISHABLE BY A CIVIL PENALTY
27 OF UP TO ONE THOUSAND DOLLARS FOR AN INDIVIDUAL AND UP TO FIVE THOUSAND
28 DOLLARS FOR A CORPORATION FOR THE FIRST VIOLATION. ANY SUBSEQUENT
29 VIOLATION SHALL BE PUNISHABLE BY A CIVIL PENALTY OF UP TO TWENTY-FIVE
30 THOUSAND DOLLARS.

31 5. ANY CIVIL PENALTIES COLLECTED PURSUANT TO THIS SECTION OF LAW ARE
32 PAYABLE TO THE ANIMAL POPULATION CONTROL FUND ESTABLISHED PURSUANT TO
33 SECTION NINETY-SEVEN-XX OF THE STATE FINANCE LAW.

34 6. (A) NO PROVISION OF THIS SECTION SHALL BE CONSTRUED TO PROHIBIT OR
35 INTERFERE WITH ANY PROPERLY CONDUCTED SCIENTIFIC TESTS, EXPERIMENTS OR
36 INVESTIGATIONS INVOLVING THE USE OF DOG OR CAT FUR OR FLESH, PERFORMED
37 OR CONDUCTED IN LABORATORIES OR INSTITUTIONS, WHICH ARE APPROVED FOR
38 THESE PURPOSES BY THE COMMISSIONER OF HEALTH IN ACCORDANCE WITH SECTION
39 236.02 OF THIS ARTICLE.

40 (B) NO PROVISION OF THIS SECTION SHALL BE CONSTRUED TO PROHIBIT ANY
41 PERSON, FIRM, PARTNERSHIP OR CORPORATION FROM IMPORTING, SELLING, OFFER-
42 ING FOR SALE, MANUFACTURING, DISTRIBUTING, TRANSPORTING, OR OTHERWISE
43 MARKETING OR TRADING IN THE FUR, HAIR, SKIN, OR FLESH OF A DOMESTICATED
44 DOG OR CAT FOR THE PURPOSES OF CONDUCTING SCIENTIFIC TESTS, EXPERIMENTS
45 OR INVESTIGATIONS THAT ARE TO BE PERFORMED OR CONDUCTED IN LABORATORIES
46 OR INSTITUTIONS, WHICH ARE APPROVED FOR THESE PURPOSES BY THE COMMIS-
47 SIONER OF HEALTH IN ACCORDANCE WITH SECTION 236.02 OF THIS ARTICLE.

48 S 236.36 CONFINEMENT OF COMPANION ANIMALS IN VEHICLES; EXTREME TEMPER-
49 ATURES.

50 1. A PERSON SHALL NOT CONFINE A COMPANION ANIMAL IN A MOTOR VEHICLE IN
51 EXTREME HEAT OR COLD WITHOUT PROPER VENTILATION OR OTHER PROTECTION FROM
52 SUCH EXTREME TEMPERATURES WHERE SUCH CONFINEMENT PLACES THE COMPANION
53 ANIMAL IN IMMINENT DANGER OF DEATH OR SERIOUS PHYSICAL INJURY DUE TO
54 EXPOSURE TO SUCH EXTREME HEAT OR COLD.

55 2. WHERE THE OPERATOR OF SUCH A VEHICLE CANNOT BE PROMPTLY LOCATED, A
56 POLICE OFFICER, PEACE OFFICER, OR PEACE OFFICER ACTING AS AN AGENT OF A

1 DULY INCORPORATED HUMANE SOCIETY MAY TAKE NECESSARY STEPS TO REMOVE THE
2 ANIMAL OR ANIMALS FROM THE VEHICLE.

3 3. POLICE OFFICERS, PEACE OFFICERS OR PEACE OFFICERS ACTING AS AGENTS
4 OF A DULY INCORPORATED HUMANE SOCIETY REMOVING AN ANIMAL OR ANIMALS FROM
5 A VEHICLE PURSUANT TO THIS SECTION SHALL PLACE A WRITTEN NOTICE ON OR IN
6 THE VEHICLE, BEARING THE NAME OF THE OFFICER OR AGENT, AND THE DEPART-
7 MENT OR AGENCY AND ADDRESS WHERE THE ANIMAL OR ANIMALS WILL BE TAKEN.

8 4. AN ANIMAL OR ANIMALS REMOVED FROM A VEHICLE PURSUANT TO THIS
9 SECTION SHALL, AFTER RECEIPT OF ANY NECESSARY EMERGENCY VETERINARY
10 TREATMENT, BE DELIVERED TO THE DULY INCORPORATED HUMANE SOCIETY OR SOCI-
11 ETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, OR DESIGNATED AGENT THERE-
12 OF, IN THE JURISDICTION WHERE THE ANIMAL OR ANIMALS WERE SEIZED.

13 5. ANY PERSON WHO KNOWINGLY VIOLATES THE PROVISIONS OF SUBDIVISION ONE
14 OF THIS SECTION SHALL BE GUILTY OF A VIOLATION, PUNISHABLE BY A FINE OF
15 NOT LESS THAN FIFTY DOLLARS NOR MORE THAN ONE HUNDRED DOLLARS FOR A
16 FIRST OFFENSE, AND A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE
17 THAN TWO HUNDRED FIFTY DOLLARS FOR A SECOND AND SUBSEQUENT OFFENSES.

18 6. OFFICERS SHALL NOT BE HELD CRIMINALLY OR CIVILLY LIABLE FOR ACTIONS
19 TAKEN REASONABLY AND IN GOOD FAITH IN CARRYING OUT THE PROVISIONS OF
20 THIS SECTION.

21 7. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO AFFECT ANY
22 OTHER PROTECTIONS AFFORDED TO COMPANION ANIMALS UNDER ANY OTHER
23 PROVISIONS OF THIS ARTICLE.

24 S 2. Article 26 of the agriculture and markets law is REPEALED.

25 S 3. Paragraph (a) of subdivision 24 of section 108 of the agriculture
26 and markets law, as amended by chapter 392 of the laws of 2004, is
27 amended to read as follows:

28 (a) "Dangerous dog" means any dog which (i) without justification
29 attacks a person, companion animal as defined in subdivision five of
30 section [three hundred fifty of this chapter] 236.00 OF THE PENAL LAW,
31 farm animal as defined in subdivision four of section [three hundred
32 fifty of this chapter] 236.00 OF THE PENAL LAW or domestic animal as
33 defined in subdivision seven of this section and causes physical injury
34 or death, or (ii) behaves in a manner which a reasonable person would
35 believe poses a serious and unjustified imminent threat of serious phys-
36 ical injury or death to one or more persons, companion animals, farm
37 animals or domestic animals or (iii) without justification attacks a
38 service dog, guide dog or hearing dog and causes physical injury or
39 death.

40 S 4. Paragraph (b) of subdivision 2 of section 121 of the agriculture
41 and markets law, as amended by chapter 392 of the laws of 2004, is
42 amended to read as follows:

43 (b) secure, humane confinement of the dog for a period of time and in
44 a manner deemed appropriate by the court but in all instances in a
45 manner designed to: (1) prevent escape of the dog, (2) protect the
46 public from unauthorized contact with the dog, and (3) to protect the
47 dog from the elements pursuant to section [three hundred fifty-three-b
48 of this chapter] 236.04 OF THE PENAL LAW. Such confinement shall not
49 include lengthy periods of tying or chaining;

50 S 5. Subdivision 1 of section 160.10 of the criminal procedure law is
51 amended by adding a new paragraph (b-1) to read as follows:

52 (B-1) A MISDEMEANOR DEFINED IN SECTION 236.02 OF THE PENAL LAW; OR

53 S 6. Subparagraph 2 of paragraph (f) of subdivision 1 of section
54 530.12 of the criminal procedure law, as added by chapter 253 of the
55 laws of 2006, is amended to read as follows:

1 2. "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] 236.00 OF THE PENAL law.

4 S 7. Subparagraph 2 of paragraph (c) of subdivision 1 and subparagraph
5 2 of paragraph (c) of subdivision 4 of section 530.13 of the criminal
6 procedure law, as added by chapter 253 of the laws of 2006, are amended
7 to read as follows:

8 2. "Companion animal", as used in this section, shall have the same
9 meaning as in subdivision five of section [three hundred fifty of the
10 agriculture and markets] 236.00 OF THE PENAL law.

11 2. "Companion animal", as used in this section, shall have the same
12 meaning as in subdivision five of section [three hundred fifty of the
13 agriculture and markets] 236.00 OF THE PENAL law.

14 S 8. The opening paragraph of paragraph e of subdivision 6 of section
15 11-0103 of the environmental conservation law, as amended by chapter 10
16 of the laws of 2005, is amended to read as follows:

17 "Wild animal" shall not include "companion animal" as defined in
18 section [three hundred fifty of the agriculture and markets] 236.00 OF
19 THE PENAL law. Wild animal includes, and is limited to, any or all of
20 the following orders and families:

21 S 9. Paragraph f of subdivision 9 of section 11-0917 of the environ-
22 mental conservation law, as amended by chapter 432 of the laws of 1997,
23 is amended to read as follows:

24 f. No live wolf, coyote, coydog, fox, skunk, venomous reptile or
25 raccoon shall be possessed or transported, except under a license or
26 permit issued by the department. Every such license or permit shall
27 contain a prominent notice thereon warning the licensee or permittee of
28 his or her duty to exercise due care in safeguarding the public from
29 attack by such wild animal or venomous reptile and that failure to do so
30 is a crime under section [three hundred seventy of the agriculture and
31 markets law] 236.25 OF THE PENAL LAW. The provisions of the opening
32 paragraph of section [three hundred seventy of the agriculture and
33 markets] 236.25 OF THE PENAL law except the last sentence thereof shall
34 be set forth on such license or permit immediately following such warn-
35 ing notice.

36 S 10. Subdivision 6 of section 399-aa of the general business law, as
37 added by chapter 573 of the laws of 2002, is amended to read as follows:

38 6. (a) No provision of this section shall be construed to prohibit or
39 interfere with any properly conducted scientific tests, experiments or
40 investigations involving the use of dog or cat fur or flesh, performed
41 or conducted in laboratories or institutions, which are approved for
42 these purposes by the state commissioner of health in accordance with
43 section [three hundred fifty-three of the agriculture and markets]
44 236.02 OF THE PENAL law.

45 (b) No provision of this section shall be construed to prohibit any
46 person, firm, partnership or corporation from importing, selling, offer-
47 ing for sale, manufacturing, distributing, transporting, or otherwise
48 marketing or trading in the fur, hair, skin, or flesh of a domesticated
49 dog or cat for the purposes of conducting scientific tests, experiments
50 or investigations that are to be performed or conducted in laboratories
51 or institutions, which are approved for these purposes by the state
52 commissioner of health in accordance with section [three hundred fifty-
53 three of the agriculture and markets] 236.02 OF THE PENAL law.

54 S 11. Section 750-t of the general business law, as added by chapter
55 526 of the laws of 1992, is amended to read as follows:

1 S 750-t. Disposal in compliance with forms. A pet cemetery owner shall
2 dispose of a pet in compliance with a pet disposal form completed by a
3 pet owner or veterinarian. If such pet is disposed of, either by indi-
4 vidual cremation or individual burial, the pet cemetery owner shall
5 within ten days of such disposal send or give a written confirmation of
6 such disposal to the pet owner or veterinarian, depending on
7 instructions in pet disposal form, and, shall attest to the method,
8 date, and place of disposal. If a pet is disposed of either through mass
9 cremation or mass burial, no written confirmation shall be required.
10 Copies of all forms shall be retained for a period of two years after
11 receipt. All pet remains shall be buried at least twelve inches below
12 the surface of the ground or in accordance with section [three hundred
13 seventy-seven of the agriculture and markets] 236.32 OF THE PENAL law in
14 the case of a large domestic animal or otherwise disposed of in a sani-
15 tary manner.

16 S 12. Subdivision 1 of section 352.3 of the family court act, as
17 amended by chapter 532 of the laws of 2008, is amended to read as
18 follows:

19 (1) Upon the issuance of an order pursuant to section 315.3 or the
20 entry of an order of disposition pursuant to section 352.2, a court may
21 enter an order of protection against any respondent for good cause
22 shown. The order may require that the respondent: (a) stay away from the
23 home, school, business or place of employment of the victims of the
24 alleged offense; or (b) refrain from harassing, intimidating, threaten-
25 ing or otherwise interfering with the victim or victims of the alleged
26 offense and such members of the family or household of such victim or
27 victims as shall be specifically named by the court in such order; or
28 (c) refrain from intentionally injuring or killing, without justifica-
29 tion, any companion animal the respondent knows to be owned, possessed,
30 leased, kept or held by the person protected by the order or a minor
31 child residing in such person's household. "Companion animal", as used
32 in this subdivision, shall have the same meaning as in subdivision five
33 of section [three hundred fifty of the agriculture and markets] 236.00
34 OF THE PENAL law.

35 S 13. Paragraph 2 of subdivision (h) of section 446 of the family
36 court act, as added by chapter 253 of the laws of 2006, is amended to
37 read as follows:

38 2. "Companion animal", as used in this section, shall have the same
39 meaning as in subdivision five of section [three hundred fifty of the
40 agriculture and markets] 236.00 OF THE PENAL law.

41 S 14. Paragraph 2 of subdivision (i) of section 551 of the family
42 court act, as added by chapter 253 of the laws of 2006, is amended to
43 read as follows:

44 2. "Companion animal", as used in this section, shall have the same
45 meaning as in subdivision five of section [three hundred fifty of the
46 agriculture and markets] 236.00 OF THE PENAL law.

47 S 15. Paragraph 2 of subdivision (i) of section 656 of the family
48 court act, as added by chapter 253 of the laws of 2006, is amended to
49 read as follows:

50 2. "Companion animal", as used in this section, shall have the same
51 meaning as in subdivision five of section [three hundred fifty of the
52 agriculture and markets] 236.00 OF THE PENAL law.

53 S 16. Paragraph 2 of subdivision (h) of section 759 of the family
54 court act, as added by chapter 253 of the laws of 2006, is amended to
55 read as follows:

1 2. "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] 236.00 OF THE PENAL law.

4 S 17. Paragraph 2 of subdivision (i) of section 842 of the family
5 court act, as added by chapter 253 of the laws of 2006, is amended to
6 read as follows:

7 2. "Companion animal", as used in this section, shall have the same
8 meaning as in subdivision five of section [three hundred fifty of the
9 agriculture and markets] 236.00 OF THE PENAL law.

10 S 18. Paragraph 2 of subdivision (g) of section 1056 of the family
11 court act, as added by chapter 253 of the laws of 2006, is amended to
12 read as follows:

13 2. "Companion animal", as used in this section, shall have the same
14 meaning as in subdivision five of section [three hundred fifty of the
15 agriculture and markets] 236.00 OF THE PENAL law.

16 S 19. Subdivision d of section 20-383 of the administrative code of
17 the city of New York, as amended by local law number 2 of the city of
18 New York for the year 1994, is amended to read as follows:

19 d. Notwithstanding the provisions of subdivisions b and c of this
20 section, any driver of a horse drawn cab found guilty of one violation
21 of subdivision d of section 20-381.1 of the code or sections [three
22 hundred fifty-one, three hundred fifty-three, three hundred fifty-five
23 through three hundred sixty-two or three hundred sixty-nine of the New
24 York state agriculture and markets] 236.01, 236.02, 236.07, 236.08,
25 236.09, 236.10, 236.11, 236.12, 236.13, 236.14, 236.15, 236.16, OR
26 236.24 OF THE PENAL law or who is found guilty of a violation of this
27 subchapter while his or her license is suspended, shall have his or her
28 license revoked. A driver whose license has been revoked in accordance
29 with this provision may not apply for a new license for five years from
30 the date of revocation.

31 S 20. Section 80 of the agriculture and markets law, as amended by
32 chapter 680 of the laws of 1967, is amended to read as follows:

33 S 80. Certificate to healthy herds. For the purpose of giving recog-
34 nition to other than segregated herds which are certified to him OR HER,
35 after competent examination satisfactory to him OR HER, to be in a heal-
36 thy condition, the commissioner is hereby authorized to issue such
37 certificates as he OR SHE may deem proper to the owner of such herd; to
38 use such terms to designate such herds as will harmonize with federal
39 designations of such herds and to adopt such rules as he OR SHE may deem
40 proper for the tagging, branding or marking of any animal or animals
41 affected or believed to be affected with any communicable disease, or
42 exposed thereto. In the event that such animals are branded it shall not
43 be construed as cruelty to animals within the meaning of article [twen-
44 ty-six of this chapter] TWO HUNDRED THIRTY-SIX OF THE PENAL LAW.

45 S 21. Subdivision 3 of section 404 of the agriculture and markets law,
46 as added by chapter 259 of the laws of 2000, is amended to read as
47 follows:

48 3. Violation of any provision of this article or conviction of a
49 violation of any provision of article [twenty-six of this chapter] TWO
50 HUNDRED THIRTY-SIX OF THE PENAL LAW or regulations promulgated there-
51 under pertaining to humane treatment of animals, cruelty to animals,
52 endangering the life or health of an animal, or violation of any feder-
53 al, state, or local law pertaining to the care, treatment, sale,
54 possession, or handling of animals or any regulation or rule promulgated
55 pursuant thereto relating to the endangerment of the life or health of
56 an animal.

1 S 22. Section 407 of the agriculture and markets law, as added by
2 chapter 259 of the laws of 2000, is amended to read as follows:

3 S 407. Construction with other laws. Nothing in this article shall be
4 construed to limit or restrict agents or officers of societies for the
5 prevention of cruelty to animals or the police from enforcing other
6 provisions of [article twenty-six of] this chapter, ARTICLE TWO HUNDRED
7 THIRTY-SIX OF THE PENAL LAW, or any other law relating to the humane
8 treatment of or cruelty to animals.

9 S 23. Subdivisions 56, 68 and 79 of section 2.10 of the criminal
10 procedure law, subdivision 56 as added by chapter 188 of the laws of
11 1989, subdivision 68 as added by chapter 227 of the laws of 2000 and
12 subdivision 79 as added by chapter 752 of the laws of 2004, are amended
13 to read as follows:

14 56. Dog control officers of the town of Brookhaven, who at the
15 discretion of the town board may be designated as constables for the
16 purpose of enforcing article [twenty-six of the agriculture and markets
17 law] TWO HUNDRED THIRTY-SIX OF THE PENAL LAW and for the purpose of
18 issuing appearance tickets permitted under article seven of [such] THE
19 AGRICULTURE AND MARKETS law; provided, however, that nothing in this
20 subdivision shall be deemed to authorize such officer to carry, possess,
21 repair or dispose of a firearm unless the appropriate license therefor
22 has been issued pursuant to section 400.00 of the penal law.

23 68. Dog control officers of the town of Arcadia, who at the discretion
24 of the town board may be designated as constables for the purpose of
25 enforcing article [twenty-six of the agriculture and markets law] TWO
26 HUNDRED THIRTY-SIX OF THE PENAL LAW and for the purpose of issuing
27 appearance tickets permitted under article seven of [such] THE AGRICUL-
28 TURE AND MARKETS law; provided, however, that nothing in this subdivi-
29 sion shall be deemed to authorize such officer to carry, possess, repair
30 or dispose of a firearm unless the appropriate license therefor has been
31 issued pursuant to section 400.00 of the penal law.

32 79. Animal control officers of the city of Elmira, who at the
33 discretion of the city council of the city of Elmira may be designated
34 as constables for the purpose of enforcing article [twenty-six of the
35 agriculture and markets law] TWO HUNDRED THIRTY-SIX OF THE PENAL LAW,
36 and for the purpose of issuing appearance tickets permitted under arti-
37 cle seven of [such] THE AGRICULTURE AND MARKETS law; provided, however,
38 that nothing in this subdivision shall be deemed to authorize such offi-
39 cer to carry, possess, repair or dispose of a firearm unless the appro-
40 priate license therefor has been issued pursuant to section 400.00 of
41 the penal law.

42 S 24. Paragraph (i) of subdivision 1 of section 750-h of the general
43 business law, as added by chapter 526 of the laws of 1992, is amended to
44 read as follows:

45 (i) Conviction of a violation of article [twenty-six of the agricul-
46 ture and markets law] TWO HUNDRED THIRTY-SIX OF THE PENAL LAW involving
47 cruelty to animals.

48 S 25. Section 753-d of the general business law, as added by chapter
49 259 of the laws of 2000, is amended to read as follows:

50 S 753-d. Construction with other laws. Nothing in this article shall
51 be construed to limit or restrict agents or officers of societies for
52 the prevention of cruelty to animals or the police from enforcing [arti-
53 cles twenty-six and] ARTICLE twenty-six-A of the agriculture and markets
54 law, ARTICLE TWO HUNDRED THIRTY-SIX OF THE PENAL LAW, or any other law
55 relating to the humane treatment of, or cruelty to, animals.

1 S 26. This act shall take effect on the ninetieth day after it shall
2 have become a law.