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

7935

2009-2010 Regular Sessions

I N A S S E M B L Y

April 28, 2009

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

AN ACT to amend the agriculture and markets law, in relation to prohibiting the ownership, possession or harboring of a wild animal or reptile

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

Section 1. Section 370 of the agriculture and markets law, as added by chapter 1047 of the laws of 1965, is amended to read as follows:

S 370. [Protection of the public from attack by] PROHIBITION OF THE OWNERSHIP, POSSESSION OR HARBORING OF wild animals and reptiles. Any person owning, possessing or harboring a wild animal or reptile capable of inflicting bodily harm upon a human being[, who shall fail to exercise due care in safeguarding the public from attack by such wild animal or reptile,] is guilty of a [misdemeanor, punishable by imprisonment for not more than one year, or by a fine of not more than five hundred dollars, or by both] CLASS E FELONY AS DEFINED BY THE PENAL LAW. FOR THE PURPOSES OF THIS SECTION, "[Wild] WILD animal" [within the meaning of this section, shall not include a dog or cat or other domestic animal] IS DEFINED IN ACCORDANCE TO PARAGRAPH E OF SUBDIVISION SIX OF SECTION 11-0103 OF THE ENVIRONMENTAL CONSERVATION LAW.

Previous attacks upon a human being by such wild animal or reptile, or knowledge of the vicious propensities of such wild animal or reptile, on the part of the possessor or harborer thereof, shall not be required to be proven by the people upon a prosecution hereunder; and neither the fact that such wild animal or reptile has not previously attacked a human being, nor lack of knowledge of the vicious propensities of such wild animal or reptile on the part of the owner, possessor or harborer thereof shall constitute a defense to a prosecution hereunder.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

LBD10883-01-9