

9001

2009-2010 Regular Sessions

I N A S S E M B L Y

June 18, 2009

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

AN ACT to amend the agriculture and markets law, in relation to the seizure of cats which pose an immediate threat to the public safety or nuisance to a person's property

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

1 Section 1. The agriculture and markets law is amended by adding a new
2 section 380 to read as follows:
3 S 380. SEIZURE OF CATS; REDEMPTION PERIODS; IMPOUNDMENT FEES;
4 ADOPTION. 1. ANY ANIMAL CONTROL OFFICER, PEACE OFFICER OR HEALTH OFFI-
5 CER, ACTING PURSUANT TO HIS OR HER SPECIAL DUTIES, OR POLICE OFFICER IN
6 THE EMPLOY OF OR UNDER CONTRACT TO A MUNICIPALITY SHALL SEIZE ANY CAT
7 WHICH POSES AN IMMEDIATE THREAT TO THE PUBLIC SAFETY OR NUISANCE TO A
8 PERSON'S PROPERTY AND SHALL KEEP SUCH CAT AT THE COUNTY, CITY, TOWN OR
9 VILLAGE POUND OR SHELTER OR ANY INCORPORATED HUMANE SOCIETY OR SIMILAR
10 INCORPORATED ANIMAL PROTECTIVE ASSOCIATION IN WHICH THE MUNICIPALITY HAS
11 A CONTRACT TO PROVIDE POUND OR SHELTER SERVICES.
12 2. EACH CAT SEIZED IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION
13 SHALL BE PROPERLY SHELTERED, FED AND WATERED FOR THE REDEMPTION PERIOD
14 AS HEREINAFTER PROVIDED.
15 3. EVERY DULY APPOINTED ANIMAL CONTROL OFFICER, PEACE OFFICER, POLICE
16 OFFICER OR HEALTH OFFICER WHEN ACTING PURSUANT TO HIS OR HER DUTIES
17 SHALL PROMPTLY MAKE AND MAINTAIN A COMPLETE RECORD OF ANY SEIZURE AND
18 SUBSEQUENT DISPOSITION OF ANY CAT.
19 4. A. EACH CAT SHALL BE HELD FOR A PERIOD OF FIFTEEN DAYS FROM THE DAY
20 SEIZED DURING WHICH PERIOD THE CAT MAY BE REDEEMED BY ITS OWNER,
21 PROVIDED THAT SUCH OWNER PRODUCES PROOF OF OWNERSHIP AND FURTHER
22 PROVIDED THAT THE OWNER PAYS THE FOLLOWING IMPOUNDMENT FEES:
23 (I) TEN DOLLARS FOR THE FIRST IMPOUNDMENT OF ANY CAT OWNED BY THAT
24 PERSON;

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

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1 (II) TWENTY DOLLARS FOR THE FIRST TWENTY-FOUR HOURS OR PART THEREOF
2 AND THREE DOLLARS FOR EACH ADDITIONAL TWENTY-FOUR HOURS OR PART THEREOF
3 FOR THE SECOND IMPOUNDMENT, WITHIN ONE YEAR OF THE FIRST IMPOUNDMENT, OF
4 ANY CAT OWNED BY THAT PERSON; OR

5 (III) THIRTY DOLLARS FOR THE FIRST TWENTY-FOUR HOURS OR PART THEREOF
6 AND THREE DOLLARS FOR EACH ADDITIONAL TWENTY-FOUR HOURS OR PART THEREOF
7 FOR THE THIRD AND SUBSEQUENT IMPOUNDMENTS, WITHIN ONE YEAR OF THE FIRST
8 IMPOUNDMENT, OF ANY CAT OWNED BY THAT PERSON.

9 B. THE IMPOUNDMENT FEES SET FORTH IN SUBPARAGRAPHS (I), (II) AND (III)
10 OF PARAGRAPH A OF THIS SUBDIVISION NOTWITHSTANDING, ANY MUNICIPALITY MAY
11 SET BY LOCAL LAW OR ORDINANCE SUCH FEES IN ANY AMOUNT.

12 5. ALL IMPOUNDMENT FEES SHALL BE THE PROPERTY OF THE FACILITY TO WHICH
13 THEY ARE PAID AND SHALL BE USED ONLY FOR CONTROLLING CATS AND ENFORCING
14 THIS SECTION AND ANY RULE, REGULATION, OR LOCAL LAW OR ORDINANCE ADOPTED
15 PURSUANT THERETO, INCLUDING SUBSIDIZING THE SPAYING OR NEUTERING OF CATS
16 AND ANY FACILITY HOLDING SUCH ANIMAL.

17 6. ANY CAT IN THE CUSTODY OF A POUND OR SHELTER SHALL BE MADE AVAIL-
18 ABLE FOR ADOPTION OR EUTHANIZED SUBJECT TO THE PROVISIONS OF SUBDIVI-
19 SIONS TWO-A, TWO-B, TWO-C, TWO-D, AND TWO-E OF SECTION THREE HUNDRED
20 SEVENTY-FOUR OF THIS ARTICLE AFTER THE TIME FOR REDEMPTION HAS EXPIRED.

21 7. NO CAT IMPOUNDED PURSUANT TO THIS SECTION OR IN THE CARE, CUSTODY
22 OR CONTROL OF AN ANIMAL SHELTER OR OTHER FACILITY FOR LOST, STRAYED AND
23 HOMELESS ANIMALS SHALL BE SOLD, TRANSFERRED OR OTHERWISE MADE AVAILABLE
24 TO ANY PERSON FOR THE PURPOSE OF RESEARCH, EXPERIMENTATION, TESTING,
25 TEACHING OR DEMONSTRATION. ANY PERSON WHO VIOLATES THE PROVISIONS OF
26 THIS SECTION SHALL BE SUBJECT TO A CIVIL PENALTY OF FIVE HUNDRED DOLLARS
27 FOR EACH VIOLATION.

28 8. NO LIABILITY IN DAMAGES OR OTHERWISE SHALL BE INCURRED ON ACCOUNT
29 OF THE SEIZURE, EUTHANIZATION OR ADOPTION OF ANY CAT PURSUANT TO THE
30 PROVISIONS OF THIS SECTION.

31 S 2. This act shall take effect immediately.