

9781

I N A S S E M B L Y

January 26, 2010

Introduced by M. of A. ROSENTHAL -- read once and referred to the
Committee on Codes

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:

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

ARTICLE 236

OFFENSES AGAINST ANIMALS

SECTION 236.00 DEFINITIONS.

236.01 PROHIBITION OF ANIMAL FIGHTING.

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

236.03 AGGRAVATED CRUELTY TO ANIMALS.

236.04 APPROPRIATE SHELTER FOR DOGS LEFT OUTDOORS.

236.05 ELECTROCUTION OF FUR-BEARING ANIMALS PROHIBITED.

236.06 SALE OF BABY CHICKS AND BABY RABBITS.

236.07 ABANDONMENT OF ANIMALS.

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

236.09 SELLING OR OFFERING TO SELL OR EXPOSING DISEASED ANIMAL.

236.10 SELLING DISABLED HORSES.

236.11 LIVE ANIMALS AS PRIZES PROHIBITED.

236.12 CARRYING AN ANIMAL IN A CRUEL MANNER.

236.13 TRANSPORTATION OF HORSES.

236.14 POISONING OR ATTEMPTING TO POISON ANIMALS.

236.15 INTERFERENCE WITH OR INJURY TO CERTAIN DOMESTIC ANIMALS.

236.16 THROWING SUBSTANCE INJURIOUS TO ANIMALS IN PUBLIC PLACE.

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

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236.17 UNAUTHORIZED POSSESSION OF DOGS PRESUMPTIVE EVIDENCE OF LARCENY.
236.18 RUNNING HORSES ON HIGHWAY.
236.19 CLIPPING OR CUTTING THE EARS OF DOGS.
236.20 DOG STEALING.
236.21 REMOVING, SEIZING OR TRANSPORTING DOGS FOR RESEARCH PURPOSES.
236.22 LEAVING STATE TO AVOID PROVISIONS OF THIS ARTICLE.
236.23 OPERATING UPON TAILS OF HORSES UNLAWFUL.
236.24 INTERFERENCE WITH OFFICERS.
236.25 PROTECTION OF THE PUBLIC FROM ATTACK BY WILD ANIMALS AND REPTILES.
236.26 POWERS OF PEACE OFFICERS.
236.27 ISSUANCE OF WARRANTS UPON COMPLAINT.
236.28 SEIZURE OF ANIMALS LOST, STRAYED, HOMELESS, ABANDONED OR IMPROPERLY CONFINED OR KEPT.
236.29 HUMANE DESTRUCTION OR OTHER DISPOSITION OF ANIMALS LOST, STRAYED, HOMELESS, ABANDONED OR IMPROPERLY CONFINED OR KEPT.
236.30 OFFICER MAY TAKE POSSESSION OF ANIMALS OR IMPLEMENTS USED IN FIGHTS AMONG ANIMALS.
236.31 DISPOSITION OF ANIMALS OR IMPLEMENTS USED IN FIGHTS AMONG ANIMALS.
236.32 DISPOSAL OF DEAD ANIMALS.
236.33 SPAYING AND NEUTERING OF DOGS AND CATS.
236.34 UNLAWFUL TAMPERING WITH ANIMAL RESEARCH.
236.35 PROHIBITION OF THE SELLING OF FUR, HAIR, SKIN OR FLESH OF A DOG OR CAT.
236.36 CONFINEMENT OF COMPANION ANIMALS IN VEHICLES; EXTREME TEMPERATURES.

S 236.00 DEFINITIONS.

1. "ANIMAL," AS USED IN THIS ARTICLE, INCLUDES EVERY LIVING CREATURE EXCEPT A HUMAN BEING.

2. "TORTURE" OR "CRUELTY" INCLUDES EVERY ACT, OMISSION, OR NEGLECT, WHEREBY UNJUSTIFIABLE PHYSICAL PAIN, SUFFERING OR DEATH IS CAUSED OR PERMITTED.

3. "ADOPTION" MEANS THE DELIVERY TO ANY NATURAL PERSON EIGHTEEN YEARS OF AGE OR OLDER, FOR THE LIMITED PURPOSE OF HARBORING A PET, OF ANY DOG OR CAT, SEIZED OR SURRENDERED.

4. "FARM ANIMAL", AS USED IN THIS ARTICLE, MEANS ANY UNGULATE, POULTRY, SPECIES OF CATTLE, SHEEP, SWINE, GOATS, LLAMAS, HORSES OR FUR-BEARING ANIMALS, AS DEFINED IN SECTION 11-1907 OF THE ENVIRONMENTAL CONSERVATION LAW, WHICH ARE RAISED FOR COMMERCIAL OR SUBSISTENCE PURPOSES. FUR-BEARING ANIMAL SHALL NOT INCLUDE DOGS OR CATS.

5. "COMPANION ANIMAL" OR "PET" MEANS ANY DOG OR CAT, AND SHALL ALSO MEAN ANY OTHER DOMESTICATED ANIMAL NORMALLY MAINTAINED IN OR NEAR THE HOUSEHOLD OF THE OWNER OR PERSON WHO CARES FOR SUCH OTHER DOMESTICATED ANIMAL. "PET" OR "COMPANION ANIMAL" SHALL NOT INCLUDE A "FARM ANIMAL" AS DEFINED IN THIS SECTION.

S 236.01 PROHIBITION OF ANIMAL FIGHTING.

1. FOR PURPOSES OF THIS SECTION, THE TERM "ANIMAL FIGHTING" SHALL MEAN ANY FIGHT BETWEEN COCKS OR OTHER BIRDS, OR BETWEEN DOGS, BULLS, BEARS OR ANY OTHER ANIMALS, OR BETWEEN ANY SUCH ANIMAL AND A PERSON OR PERSONS, EXCEPT IN EXHIBITIONS OF A KIND COMMONLY FEATURED AT RODEOS.

2. ANY PERSON WHO ENGAGES IN ANY OF THE FOLLOWING CONDUCT IS GUILTY OF A FELONY PUNISHABLE BY IMPRISONMENT FOR A PERIOD NOT TO EXCEED FOUR

1 YEARS, OR BY A FINE NOT TO EXCEED TWENTY-FIVE THOUSAND DOLLARS, OR BY
2 BOTH SUCH FINE AND IMPRISONMENT:

3 (A) FOR AMUSEMENT OR GAIN, CAUSES ANY ANIMAL TO ENGAGE IN ANIMAL
4 FIGHTING; OR

5 (B) TRAINS ANY ANIMAL UNDER CIRCUMSTANCES EVINCING AN INTENT THAT SUCH
6 ANIMAL ENGAGE IN ANIMAL FIGHTING FOR AMUSEMENT OR GAIN; OR

7 (C) BREEDS, SELLS OR OFFERS FOR SALE ANY ANIMAL UNDER CIRCUMSTANCES
8 EVINCING AN INTENT THAT SUCH ANIMAL ENGAGE IN ANIMAL FIGHTING; OR

9 (D) PERMITS ANY ACT DESCRIBED IN PARAGRAPH (A), (B) OR (C) OF THIS
10 SUBDIVISION TO OCCUR ON PREMISES UNDER HIS CONTROL; OR

11 (E) OWNS, POSSESSES OR KEEPS ANY ANIMAL TRAINED TO ENGAGE IN ANIMAL
12 FIGHTING ON PREMISES WHERE AN EXHIBITION OF ANIMAL FIGHTING IS BEING
13 CONDUCTED UNDER CIRCUMSTANCES EVINCING AN INTENT THAT SUCH ANIMAL ENGAGE
14 IN ANIMAL FIGHTING.

15 3. (A) ANY PERSON WHO ENGAGES IN CONDUCT SPECIFIED IN PARAGRAPH (B) OF
16 THIS SUBDIVISION IS GUILTY OF A MISDEMEANOR AND IS PUNISHABLE BY IMPRI-
17 SONMENT FOR A PERIOD NOT TO EXCEED ONE YEAR, OR BY A FINE NOT TO EXCEED
18 FIFTEEN THOUSAND DOLLARS, OR BY BOTH SUCH FINE AND IMPRISONMENT.

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

21 4. (A) ANY PERSON WHO ENGAGES IN CONDUCT SPECIFIED IN PARAGRAPH (B)
22 HEREOF IS GUILTY OF A MISDEMEANOR AND IS PUNISHABLE BY IMPRISONMENT FOR
23 A PERIOD NOT TO EXCEED ONE YEAR, OR BY A FINE NOT TO EXCEED ONE THOUSAND
24 DOLLARS, OR BY BOTH SUCH FINE AND IMPRISONMENT.

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

28 5. (A) ANY PERSON WHO ENGAGES IN THE CONDUCT SPECIFIED IN PARAGRAPH

29 (B) OF THIS SUBDIVISION IS GUILTY OF A VIOLATION PUNISHABLE BY A FINE
30 NOT TO EXCEED FIVE HUNDRED DOLLARS. ANY PERSON WHO ENGAGES IN THE
31 CONDUCT SPECIFIED IN PARAGRAPH (B) OF THIS SUBDIVISION AFTER HAVING BEEN
32 CONVICTED WITHIN THE PREVIOUS FIVE YEARS OF A VIOLATION OF THIS SUBDIVI-
33 SION OR SUBDIVISION FOUR OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND
34 IS PUNISHABLE BY IMPRISONMENT FOR A PERIOD NOT TO EXCEED ONE YEAR, OR BY
35 A FINE NOT TO EXCEED ONE THOUSAND DOLLARS, OR BY BOTH BY SUCH FINE AND
36 IMPRISONMENT.

37 (B) THE KNOWING PRESENCE AS A SPECTATOR AT ANY PLACE WHERE AN EXHIBI-
38 TION OF ANIMAL FIGHTING IS BEING CONDUCTED.

39 S 236.02 OVERDRIVING, TORTURING AND INJURING ANIMALS; FAILURE TO PROVIDE
40 PROPER SUSTENANCE.

41 A PERSON WHO OVERDRIVES, OVERLOADS, TORTURES OR CRUELLY BEATS OR
42 UNJUSTIFIABLY INJURES, MAIMS, MUTILATES OR KILLS ANY ANIMAL, WHETHER
43 WILD OR TAME, AND WHETHER BELONGING TO HIMSELF OR TO ANOTHER, OR
44 DEPRIVES ANY ANIMAL OF NECESSARY SUSTENANCE, FOOD OR DRINK, OR NEGLECTS
45 OR REFUSES TO FURNISH IT SUCH SUSTENANCE OR DRINK, OR CAUSES, PROCURES
46 OR PERMITS ANY ANIMAL TO BE OVERDRIVEN, OVERLOADED, TORTURED, CRUELLY
47 BEATEN, OR UNJUSTIFIABLY INJURED, MAIMED, MUTILATED OR KILLED, OR TO BE
48 DEPRIVED OF NECESSARY FOOD OR DRINK, OR WHO WILFULLY SETS ON FOOT,
49 INSTIGATES, ENGAGES IN, OR IN ANY WAY FURTHERS ANY ACT OF CRUELTY TO ANY
50 ANIMAL, OR ANY ACT TENDING TO PRODUCE SUCH CRUELTY, IS GUILTY OF A CLASS
51 A MISDEMEANOR AND FOR PURPOSES OF PARAGRAPH (B) OF SUBDIVISION ONE OF
52 SECTION 160.10 OF THE CRIMINAL PROCEDURE LAW, SHALL BE TREATED AS A
53 MISDEMEANOR DEFINED IN THE PENAL LAW.

54 NOTHING HEREIN CONTAINED SHALL BE CONSTRUED TO PROHIBIT OR INTERFERE
55 WITH ANY PROPERLY CONDUCTED SCIENTIFIC TESTS, EXPERIMENTS OR INVESTI-
56 GATIONS, INVOLVING THE USE OF LIVING ANIMALS, PERFORMED OR CONDUCTED IN

1 LABORATORIES OR INSTITUTIONS, WHICH ARE APPROVED FOR THESE PURPOSES BY
2 THE STATE COMMISSIONER OF HEALTH. THE COMMISSIONER OF HEALTH SHALL
3 PRESCRIBE THE RULES UNDER WHICH SUCH APPROVALS SHALL BE GRANTED, INCLUD-
4 ING THEREIN STANDARDS REGARDING THE CARE AND TREATMENT OF ANY SUCH
5 ANIMALS. SUCH RULES SHALL BE PUBLISHED AND COPIES THEREOF CONSPICUOUSLY
6 POSTED IN EACH SUCH LABORATORY OR INSTITUTION. THE STATE COMMISSIONER
7 OF HEALTH OR HIS DULY AUTHORIZED REPRESENTATIVE SHALL HAVE THE POWER TO
8 INSPECT SUCH LABORATORIES OR INSTITUTIONS TO INSURE COMPLIANCE WITH SUCH
9 RULES AND STANDARDS. EACH SUCH APPROVAL MAY BE REVOKED AT ANY TIME FOR
10 FAILURE TO COMPLY WITH SUCH RULES AND IN ANY CASE THE APPROVAL SHALL BE
11 LIMITED TO A PERIOD NOT EXCEEDING ONE YEAR.

12 S 236.03 AGGRAVATED CRUELTY TO ANIMALS.

13 1. A PERSON IS GUILTY OF AGGRAVATED CRUELTY TO ANIMALS WHEN, WITH NO
14 JUSTIFIABLE PURPOSE, HE OR SHE INTENTIONALLY KILLS OR INTENTIONALLY
15 CAUSES SERIOUS PHYSICAL INJURY TO A COMPANION ANIMAL WITH AGGRAVATED
16 CRUELTY. FOR PURPOSES OF THIS SECTION, "AGGRAVATED CRUELTY" SHALL MEAN
17 CONDUCT WHICH: (I) IS INTENDED TO CAUSE EXTREME PHYSICAL PAIN; OR (II)
18 IS DONE OR CARRIED OUT IN AN ESPECIALLY DEPRAVED OR SADISTIC MANNER.

19 2. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT OR
20 INTERFERE IN ANY WAY WITH ANYONE LAWFULLY ENGAGED IN HUNTING, TRAPPING,
21 OR FISHING, AS PROVIDED IN ARTICLE ELEVEN OF THE ENVIRONMENTAL CONSERVA-
22 TION LAW, THE DISPATCH OF RABID OR DISEASED ANIMALS, AS PROVIDED IN
23 ARTICLE TWENTY-ONE OF THE PUBLIC HEALTH LAW, OR THE DISPATCH OF ANIMALS
24 POSING A THREAT TO HUMAN SAFETY OR OTHER ANIMALS, WHERE SUCH ACTION IS
25 OTHERWISE LEGALLY AUTHORIZED, OR ANY PROPERLY CONDUCTED SCIENTIFIC
26 TESTS, EXPERIMENTS, OR INVESTIGATIONS INVOLVING THE USE OF LIVING
27 ANIMALS, PERFORMED OR CONDUCTED IN LABORATORIES OR INSTITUTIONS APPROVED
28 FOR SUCH PURPOSES BY THE COMMISSIONER OF HEALTH PURSUANT TO SECTION
29 236.02 OF THIS ARTICLE.

30 3. AGGRAVATED CRUELTY TO ANIMALS IS A FELONY. A DEFENDANT CONVICTED OF
31 THIS OFFENSE SHALL BE SENTENCED PURSUANT TO PARAGRAPH (B) OF SUBDIVISION
32 ONE OF SECTION 55.10 OF THIS CHAPTER PROVIDED, HOWEVER, THAT ANY TERM OF
33 IMPRISONMENT IMPOSED FOR VIOLATION OF THIS SECTION SHALL BE A DEFINITE
34 SENTENCE, WHICH MAY NOT EXCEED TWO YEARS.

35 S 236.04 APPROPRIATE SHELTER FOR DOGS LEFT OUTDOORS.

36 1. FOR PURPOSES OF THIS SECTION:

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

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

43 (C) "DOGS THAT ARE LEFT OUTDOORS" SHALL MEAN DOGS THAT ARE OUTDOORS IN
44 INCLEMENT WEATHER WITHOUT READY ACCESS TO, OR THE ABILITY TO ENTER, A
45 HOUSE, APARTMENT BUILDING, OFFICE BUILDING, OR ANY OTHER PERMANENT
46 STRUCTURE THAT COMPLIES WITH THE STANDARDS ENUMERATED IN PARAGRAPH (B)
47 OF SUBDIVISION THREE OF THIS SECTION.

48 2. (A) ANY PERSON WHO OWNS OR HAS CUSTODY OR CONTROL OF A DOG THAT IS
49 LEFT OUTDOORS SHALL PROVIDE IT WITH SHELTER APPROPRIATE TO ITS BREED,
50 PHYSICAL CONDITION AND THE CLIMATE. ANY PERSON WHO KNOWINGLY VIOLATES
51 THE PROVISIONS OF THIS SECTION SHALL BE GUILTY OF A VIOLATION, PUNISHA-
52 BLE BY A FINE OF NOT LESS THAN FIFTY DOLLARS NOR MORE THAN ONE HUNDRED
53 DOLLARS FOR A FIRST OFFENSE, AND A FINE OF NOT LESS THAN ONE HUNDRED
54 DOLLARS NOR MORE THAN TWO HUNDRED FIFTY DOLLARS FOR A SECOND AND SUBSE-
55 QUENT OFFENSES. BEGINNING SEVENTY-TWO HOURS AFTER A CHARGE OF VIOLATING
56 THIS SECTION, EACH DAY THAT A DEFENDANT FAILS TO CORRECT THE DEFICIEN-

1 CIES IN THE DOG SHELTER FOR A DOG THAT HE OR SHE OWNS OR THAT IS IN HIS
2 OR HER CUSTODY OR CONTROL AND THAT IS LEFT OUTDOORS, SO AS TO BRING IT
3 INTO COMPLIANCE WITH THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A
4 SEPARATE OFFENSE.

5 (B) THE COURT MAY, IN ITS DISCRETION, REDUCE THE AMOUNT OF ANY FINE
6 IMPOSED FOR A VIOLATION OF THIS SECTION BY THE AMOUNT WHICH THE DEFEND-
7 ANT PROVES HE OR SHE HAS SPENT PROVIDING A DOG SHELTER OR REPAIRING AN
8 EXISTING DOG SHELTER SO THAT IT COMPLIES WITH THE REQUIREMENTS OF THIS
9 SECTION. NOTHING IN THIS PARAGRAPH SHALL PREVENT THE SEIZURE OF A DOG
10 FOR A VIOLATION OF THIS SECTION PURSUANT TO THE AUTHORITY GRANTED IN
11 THIS ARTICLE.

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

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

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

29 4. INADEQUATE SHELTER MAY BE INDICATED BY THE APPEARANCE OF THE HOUS-
30 ING FACILITY ITSELF, INCLUDING BUT NOT LIMITED TO, SIZE, STRUCTURAL
31 SOUNDNESS, EVIDENCE OF CROWDING WITHIN THE HOUSING FACILITY, HEALTHFUL
32 ENVIRONMENT IN THE AREA IMMEDIATELY SURROUNDING SUCH FACILITY, OR BY THE
33 APPEARANCE OR PHYSICAL CONDITION OF THE DOG.

34 5. UPON A FINDING OF ANY VIOLATION OF THIS SECTION, ANY DOG OR DOGS
35 SEIZED PURSUANT TO THE PROVISIONS OF THIS ARTICLE THAT HAVE NOT BEEN
36 VOLUNTARILY SURRENDERED BY THE OWNER OR CUSTODIAN OR FORFEITED PURSUANT
37 TO COURT ORDER SHALL BE RETURNED TO THE OWNER OR CUSTODIAN ONLY UPON
38 PROOF THAT APPROPRIATE SHELTER AS REQUIRED BY THIS SECTION IS BEING
39 PROVIDED.

40 6. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT ANY
41 PROTECTIONS AFFORDED TO DOGS OR OTHER ANIMALS UNDER ANY OTHER PROVISIONS
42 OF THIS ARTICLE.

43 S 236.05 ELECTROCUTION OF FUR-BEARING ANIMALS PROHIBITED.

44 1. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, NO PERSON SHALL INTEN-
45 TIONALLY KILL, OR STUN TO FACILITATE THE KILLING OF, A FUR-BEARING
46 ANIMAL BY MEANS OF AN ELECTRICAL CURRENT. FOR THE PURPOSE OF THIS
47 SECTION, "FUR-BEARING ANIMAL" MEANS ARCTIC FOX, RED FOX, SILVER FOX,
48 CHINCHILLA, MINK, PINE MARTEN, MUSKRAT, AND THOSE FUR-BEARING ANIMALS
49 INCLUDED WITHIN THE PROVISIONS OF SECTION 11-1907 OF THE ENVIRONMENTAL
50 CONSERVATION LAW.

51 2. A VIOLATION OF SUBDIVISION ONE OF THIS SECTION IS A CLASS A MISDE-
52 MEANOR.

53 S 236.06 SALE OF BABY CHICKS AND BABY RABBITS.

54 1. NO PERSON SHALL SELL, OFFER FOR SALE, BARTER OR GIVE AWAY LIVING
55 BABY CHICKS, DUCKLINGS OR OTHER FOWL OR BABY RABBITS UNLESS SUCH PERSON
56 PROVIDES PROPER BROODER FACILITIES WHERE APPROPRIATE FOR THE CARE OF

1 SUCH BABY CHICKS, DUCKLINGS OR OTHER FOWL OR BABY RABBITS DURING THE
2 TIME THEY ARE IN THE POSSESSION OF SUCH PERSON. FOR THE PURPOSES OF THIS
3 SECTION, A BABY RABBIT SHALL BE A RABBIT OF LESS THAN TWO MONTHS OF AGE.

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

8 2-A. NO PROVISION OF SUBDIVISION TWO OF THIS SECTION SHALL BE INTER-
9 PRETED OR APPLIED TO PREVENT OR RESTRICT TEACHERS AND QUALIFIED INSTRU-
10 CTORS OF YOUTH UNDER THE GUIDANCE AND SUPERVISION OF THE NEW YORK STATE
11 COOPERATIVE EXTENSION SERVICE FROM USING EGGS FOR NON-PROFIT EDUCATIONAL
12 PURPOSES OR FROM OBSERVING FOWL HATCHED FROM SUCH EGGS FOR NON-PROFIT
13 EDUCATIONAL PURPOSES.

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

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

20 S 236.07 ABANDONMENT OF ANIMALS.

21 A PERSON BEING THE OWNER OR POSSESSOR, OR HAVING CHARGE OR CUSTODY OF
22 AN ANIMAL, WHO ABANDONS SUCH ANIMAL, OR LEAVES IT TO DIE IN A STREET,
23 ROAD OR PUBLIC PLACE, OR WHO ALLOWS SUCH ANIMAL, IF IT BECOMES DISABLED,
24 TO LIE IN A PUBLIC STREET, ROAD OR PUBLIC PLACE MORE THAN THREE HOURS
25 AFTER HE RECEIVES NOTICE THAT IT IS LEFT DISABLED, IS GUILTY OF A MISDE-
26 MEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY A
27 FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BY BOTH.

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

30 A PERSON WHO, HAVING IMPOUNDED OR CONFINED ANY ANIMAL, REFUSES OR
31 NEGLECTS TO SUPPLY TO SUCH ANIMAL DURING ITS CONFINEMENT A SUFFICIENT
32 SUPPLY OF GOOD AND WHOLESOME AIR, FOOD, SHELTER AND WATER, IS GUILTY OF
33 A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR
34 BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BY BOTH. IN CASE ANY
35 ANIMAL SHALL BE AT ANY TIME IMPOUNDED AS AFORESAID, AND SHALL CONTINUE
36 TO BE WITHOUT NECESSARY FOOD AND WATER FOR MORE THAN TWELVE SUCCESSIVE
37 HOURS, IT SHALL BE LAWFUL FOR ANY PERSON, FROM TIME TO TIME, AND AS
38 OFTEN AS IT SHALL BE NECESSARY, TO ENTER INTO AND UPON ANY POUND IN
39 WHICH ANY SUCH ANIMAL SHALL BE SO CONFINED, AND TO SUPPLY IT WITH NECES-
40 SARY FOOD AND WATER, SO LONG AS IT SHALL REMAIN SO CONFINED; SUCH PERSON
41 SHALL NOT BE LIABLE TO ANY ACTION FOR SUCH ENTRY, AND THE REASONABLE
42 COST OF SUCH FOOD AND WATER MAY BE COLLECTED BY HIM OF THE OWNER OF SUCH
43 ANIMAL, AND THE SAID ANIMAL SHALL NOT BE EXEMPT FROM LEVY AND SALE UPON
44 EXECUTION ISSUED UPON A JUDGMENT THEREFOR.

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

46 A PERSON WHO WILFULLY SELLS OR OFFERS TO SELL, USES, EXPOSES, OR CAUS-
47 ES OR PERMITS TO BE SOLD, OFFERED FOR SALE, USED OR EXPOSED, ANY HORSE
48 OR OTHER ANIMAL HAVING THE DISEASE KNOWN AS GLANDERS OR FARCY, OR OTHER
49 CONTAGIOUS OR INFECTIOUS DISEASE DANGEROUS TO THE LIFE OR HEALTH OF
50 HUMAN BEINGS, OR ANIMALS, OR WHICH IS DISEASED PAST RECOVERY, OR WHO
51 REFUSES UPON DEMAND TO DEPRIVE OF LIFE AN ANIMAL AFFECTED WITH ANY SUCH
52 DISEASE, IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT
53 MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS
54 OR BY BOTH.

55 S 236.10 SELLING DISABLED HORSES.

1 IT SHALL BE UNLAWFUL FOR ANY PERSON HOLDING AN AUCTIONEER'S LICENSE
2 KNOWINGLY TO RECEIVE OR OFFER FOR SALE OR TO SELL AT PUBLIC AUCTION,
3 OTHER THAN AT A SHERIFF'S OR JUDICIAL SALE UNDER A COURT ORDER, ANY
4 HORSE WHICH BY REASON OF DEBILITY, DISEASE OR LAMENESS, OR FOR ANY OTHER
5 CAUSE, COULD NOT BE WORKED IN THIS STATE WITHOUT VIOLATING THE LAW
6 AGAINST CRUELTY TO ANIMALS. ANY PERSON VIOLATING ANY PROVISION OF THIS
7 SECTION SHALL BE PUNISHABLE BY A FINE OF NOT LESS THAN FIVE DOLLARS NOR
8 MORE THAN ONE HUNDRED DOLLARS, OR BY IMPRISONMENT FOR NOT MORE THAN SIX
9 MONTHS, OR BY BOTH SUCH FINE AND IMPRISONMENT.
10 S 236.11 LIVE ANIMALS AS PRIZES PROHIBITED.

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

13 2. NO PERSON SHALL GIVE OR OFFER TO GIVE AWAY AS A PRIZE, OR EXCHANGE
14 OR OFFER TO EXCHANGE FOR NOMINAL CONSIDERATION, ANY LIVE ANIMAL OTHER
15 THAN PUREBRED LIVESTOCK OR FISH IN ANY GAME, DRAWING, CONTEST, SWEEPS-
16 TAKES OR OTHER PROMOTION, EXCEPT WHEN ANY LIVE ANIMAL IS GIVEN AWAY BY
17 INDIVIDUALS OR ORGANIZATIONS OPERATING IN CONJUNCTION WITH A COOPERATIVE
18 EXTENSION EDUCATION PROGRAM OR AGRICULTURAL VOCATIONAL PROGRAM SANC-
19 TIONED BY THE STATE EDUCATION DEPARTMENT.

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

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

28 S 236.12 CARRYING AN ANIMAL IN A CRUEL MANNER.

29 1. A PERSON WHO CARRIES OR CAUSES TO BE CARRIED IN OR UPON ANY VESSEL
30 OR VEHICLE OR OTHERWISE, ANY ANIMAL IN A CRUEL OR INHUMANE MANNER, OR SO
31 AS TO PRODUCE TORTURE, IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRI-
32 SONMENT FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN ONE
33 THOUSAND DOLLARS, OR BY BOTH.

34 2. A RAILWAY CORPORATION, OR AN OWNER, AGENT, CONSIGNEE, OR PERSON IN
35 CHARGE OF ANY HORSES, SHEEP, CATTLE, OR SWINE, IN THE COURSE OF, OR FOR
36 TRANSPORTATION, WHO CONFINES, OR CAUSES OR SUFFERS THE SAME TO BE
37 CONFINED, IN CARS FOR A LONGER PERIOD THAN TWENTY-EIGHT CONSECUTIVE
38 HOURS, OR THIRTY-SIX CONSECUTIVE HOURS WHERE CONSENT IS GIVEN IN THE
39 MANNER HEREINAFTER PROVIDED, WITHOUT UNLOADING FOR REST, WATER AND FEED-
40 ING, DURING FIVE CONSECUTIVE HOURS, UNLESS PREVENTED BY STORM OR INEVI-
41 TABLE ACCIDENT, IS GUILTY OF A MISDEMEANOR. THE CONSENT WHICH WILL
42 EXTEND THE PERIOD FROM TWENTY-EIGHT TO THIRTY-SIX HOURS SHALL BE GIVEN
43 BY THE OWNER, OR BY THE PERSON IN CUSTODY OF A PARTICULAR SHIPMENT, BY A
44 WRITING SEPARATE AND APART FROM ANY PRINTED BILL OF LADING OR OTHER
45 RAILROAD FORM. IN ESTIMATING SUCH CONFINEMENT, THE TIME DURING WHICH THE
46 ANIMALS HAVE BEEN CONFINED WITHOUT REST, ON CONNECTING ROADS FROM WHICH
47 THEY ARE RECEIVED, MUST BE COMPUTED.

48 S 236.13 TRANSPORTATION OF HORSES.

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

51 A. THE INTERIORS OF COMPARTMENTS CONTAINING HORSES SHALL BE
52 CONSTRUCTED OF SMOOTH MATERIALS, CONTAINING NO SHARP OBJECTS OR PROTRU-
53 SIONS WHICH ARE HAZARDOUS;

54 B. THE FLOORS SHALL BE OF SUCH CONSTRUCTION OR COVERED WITH ABRASIVE
55 MATERIAL SO AS TO PREVENT HORSES FROM SKIDDING OR SLIDING;

56 C. THERE SHALL BE SUFFICIENT APERTURES TO INSURE ADEQUATE VENTILATION;

1 D. THERE SHALL BE SUFFICIENT INSULATION OR COVERINGS TO MAINTAIN AN
2 ADEQUATE TEMPERATURE IN THE COMPARTMENT CONTAINING HORSES;

3 E. PARTITIONS OF STURDY CONSTRUCTION SHALL BE PLACED A MAXIMUM OF TEN
4 FEET APART IN VEHICLES WHICH DO NOT HAVE STALLS;

5 F. DOORWAYS SHALL BE OF SUFFICIENT HEIGHT TO ALLOW SAFE INGRESS AND
6 EGRESS OF EACH HORSE CONTAINED IN THE COMPARTMENT;

7 G. EACH COMPARTMENT CONTAINING HORSES SHALL BE OF SUCH HEIGHT SO AS TO
8 ALLOW SUFFICIENT CLEARANCE ABOVE THE POLL AND WITHERS OF EACH HORSE IN
9 THE COMPARTMENT;

10 H. RAMPS SUFFICIENT FOR LOADING AND UNLOADING HORSES SHALL BE PROVIDED
11 IF THE VERTICAL DISTANCE FROM THE FLOOR OF THE COMPARTMENT CONTAINING
12 HORSES TO THE GROUND IS GREATER THAN FIFTEEN INCHES; AND

13 I. THERE SHALL BE AT LEAST TWO DOORWAYS FOR INGRESS AND EGRESS, WHICH
14 SHALL NOT BE ON THE SAME SIDE.

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

17 3. A. TRANSPORTING A HORSE IN VIOLATION OF THIS SECTION SHALL BE A
18 VIOLATION PUNISHABLE BY A FINE OF NOT MORE THAN TWO HUNDRED FIFTY
19 DOLLARS.

20 B. ANY SUBSEQUENT VIOLATION OF THIS SECTION ON A DATE FOLLOWING A
21 CONVICTION UNDER THE PROVISIONS OF THIS SECTION SHALL BE A MISDEMEANOR
22 PUNISHABLE BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS OR IMPRISON-
23 MENT FOR NOT MORE THAN ONE YEAR, OR BOTH.

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

27 5. A. THE TERM "HORSE" AS USED THROUGHOUT THIS SECTION SHALL APPLY TO
28 THE ENTIRE FAMILY OF EQUIDAE.

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

33 6. THE COURT IN WHICH A CONVICTION UNDER THE PROVISIONS OF THIS
34 SECTION IS OBTAINED, SHALL, WITHIN THIRTY DAYS OF SUCH CONVICTION, TRAN-
35 SMIT A COPY OF THE RECORD OF CONVICTION TO THE DIVISION OF CRIMINAL
36 JUSTICE SERVICES WHICH SHALL MAINTAIN A RECORD OF SUCH CONVICTION FOR
37 THE PURPOSE OF IDENTIFYING SUBSEQUENT VIOLATIONS OF THIS SECTION.

38 S 236.14 POISONING OR ATTEMPTING TO POISON ANIMALS.

39 A PERSON WHO UNJUSTIFIABLY ADMINISTERS ANY POISONOUS OR NOXIOUS DRUG
40 OR SUBSTANCE TO A HORSE, MULE OR DOMESTIC CATTLE OR UNJUSTIFIABLY
41 EXPOSES ANY SUCH DRUG OR SUBSTANCE WITH INTENT THAT THE SAME SHALL BE
42 TAKEN BY HORSE, MULE OR BY DOMESTIC CATTLE, WHETHER SUCH HORSE, MULE OR
43 DOMESTIC CATTLE BE THE PROPERTY OF HIMSELF OR ANOTHER, IS GUILTY OF A
44 FELONY. A PERSON WHO UNJUSTIFIABLY ADMINISTERS ANY POISONOUS OR NOXIOUS
45 DRUG OR SUBSTANCE TO AN ANIMAL, OTHER THAN A HORSE, MULE OR DOMESTIC
46 CATTLE, OR UNJUSTIFIABLY EXPOSES ANY SUCH DRUG OR SUBSTANCE WITH INTENT
47 THAT THE SAME SHALL BE TAKEN BY AN ANIMAL OTHER THAN A HORSE, MULE OR
48 DOMESTIC CATTLE, WHETHER SUCH ANIMAL BE THE PROPERTY OF HIMSELF OR
49 ANOTHER, IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT
50 MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS,
51 OR BY BOTH.

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

53 A PERSON WHO WILFULLY OR UNJUSTIFIABLY INTERFERES WITH, INJURES,
54 DESTROYS OR TAMPERS WITH OR WHO WILFULLY SETS ON FOOT, INSTIGATES,
55 ENGAGES IN OR IN ANY WAY FURTHERS ANY ACT BY WHICH ANY HORSE, MULE, DOG
56 OR ANY OTHER DOMESTIC ANIMAL USED FOR THE PURPOSES OF RACING, BREEDING

1 OR COMPETITIVE EXHIBITION OF SKILL, BREED OR STAMINA, IS INTERFERED
2 WITH, INJURED, DESTROYED OR TAMPERED WITH, OR ANY ACT TENDING TO PRODUCE
3 SUCH INTERFERENCE, INJURY, DESTRUCTION OR TAMPERING, WHETHER SUCH HORSE,
4 MULE, DOG OR OTHER DOMESTIC ANIMAL BE THE PROPERTY OF HIMSELF OR ANOTH-
5 ER, IS GUILTY OF A FELONY.

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

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

13 S 236.17 UNAUTHORIZED POSSESSION OF DOGS PRESUMPTIVE EVIDENCE OF LARCE-
14 NY.

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

20 S 236.18 RUNNING HORSES ON HIGHWAY.

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

26 S 236.19 CLIPPING OR CUTTING THE EARS OF DOGS.

27 1. WHOEVER CLIPS OR CUTS OFF OR CAUSES OR PROCURES ANOTHER TO CLIP OR
28 CUT OFF THE WHOLE OR ANY PART OF AN EAR OF ANY DOG UNLESS AN ANESTHETIC
29 SHALL HAVE BEEN GIVEN TO THE DOG AND THE OPERATION PERFORMED BY A
30 LICENSED VETERINARIAN, IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRI-
31 SONMENT FOR NOT MORE THAN ONE YEAR, OR A FINE OF NOT MORE THAN ONE THOU-
32 SAND DOLLARS, OR BY BOTH.

33 2. THE PROVISIONS OF THIS SECTION SHALL NOT APPLY TO ANY DOG OR PERSON
34 WHO IS THE OWNER OR POSSESSOR OF ANY DOG WHOSE EAR OR A PART THEREOF HAS
35 BEEN CLIPPED OR CUT OFF PRIOR TO SEPTEMBER FIRST, NINETEEN HUNDRED TWEN-
36 TY-NINE.

37 3. EACH APPLICANT FOR A DOG LICENSE MUST STATE ON SUCH APPLICATION
38 WHETHER ANY EAR OF THE DOG FOR WHICH HE APPLIES FOR SUCH LICENSE HAS
39 BEEN CUT OFF WHOLLY OR IN PART.

40 4. NOTHING HEREIN CONTAINED SHALL BE CONSTRUED AS PREVENTING ANY DOG
41 WHOSE EAR OR EARS SHALL HAVE BEEN CLIPPED OR CUT OFF WHOLLY OR IN PART,
42 NOT IN VIOLATION OF THIS SECTION, FROM BEING IMPORTED INTO THE STATE
43 EXCLUSIVELY FOR BREEDING PURPOSES.

44 S 236.20 DOG STEALING.

45 IT SHALL BE UNLAWFUL FOR ANY PERSON:

46 1. TO REMOVE OR CAUSE TO BE REMOVED THE COLLAR, IDENTIFICATION TAG OR
47 ANY OTHER IDENTIFICATION BY WHICH THE OWNER MAY BE ASCERTAINED FROM ANY
48 DOG, CAT OR ANY OTHER DOMESTIC ANIMAL AS DEFINED IN SUBDIVISION SEVEN OF
49 SECTION ONE HUNDRED EIGHT OF THE AGRICULTURE AND MARKETS LAW, OR TO
50 ENTICE ANY IDENTIFIED DOG, CAT OR OTHER SUCH DOMESTIC ANIMAL INTO OR OUT
51 OF ANY HOUSE OR ENCLOSURE FOR THE PURPOSE OF REMOVING ITS COLLAR, TAG OR
52 ANY OTHER IDENTIFICATION, EXCEPT WITH THE OWNER'S PERMISSION;

53 2. TO ENTICE, SEIZE OR MOLEST ANY DOG, WHILE IT IS BEING HELD OR LED
54 BY ANY PERSON OR WHILE IT IS PROPERLY MUZZLED OR WEARING A COLLAR WITH
55 AN IDENTIFICATION TAG ATTACHED, EXCEPT WHERE SUCH ACTION IS INCIDENTAL
56 TO THE ENFORCEMENT OF SOME LAW OR REGULATION;

1 3. TO TRANSPORT ANY DOG, NOT LAWFULLY IN HIS POSSESSION, FOR THE
2 PURPOSE OF KILLING OR SELLING SUCH DOG.

3 ANY PERSON VIOLATING ANY OF THE PROVISIONS OF THIS SECTION, UPON
4 CONVICTION THEREOF, SHALL BE PUNISHED BY A FINE NOT EXCEEDING TWO
5 HUNDRED DOLLARS, OR BY IMPRISONMENT NOT TO EXCEED SIX MONTHS, OR BY
6 BOTH.

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

8 IT SHALL BE UNLAWFUL FOR ANY PERSON:

9 1. TO REMOVE, SEIZE OR TRANSPORT OR CAUSE TO REMOVE, SEIZE OR TRANS-
10 PORT ANY DOG WHICH BELONGS TO OR IS LICENSED TO ANOTHER FOR THE PURPOSE
11 OF SALE, BARTER OR TO GIVE AWAY SAID DOG TO A LABORATORY, HOSPITAL,
12 RESEARCH INSTITUTE, MEDICAL SCHOOL OR ANY AGENCY OR ORGANIZATION ENGAGED
13 IN RESEARCH ACTIVITY, WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE
14 OWNER OR LICENSEE.

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

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

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

26 S 236.23 OPERATING UPON TAILS OF HORSES UNLAWFUL.

27 1. ANY PERSON WHO CUTS THE BONE, TISSUES, MUSCLES OR TENDONS OF THE
28 TAIL OF ANY HORSE, MARE OR GELDING, OR OTHERWISE OPERATES UPON IT IN ANY
29 MANNER FOR THE PURPOSE OR WITH THE EFFECT OF DOCKING, SETTING, OR OTHER-
30 WISE ALTERING THE NATURAL CARRIAGE OF THE TAIL, OR WHO KNOWINGLY PERMITS
31 THE SAME TO BE DONE UPON PREMISES OF WHICH HE IS THE OWNER, LESSEE,
32 PROPRIETOR OR USER, OR WHO ASSISTS IN OR IS VOLUNTARILY PRESENT AT SUCH
33 CUTTING, IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT
34 MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN FIVE HUNDRED DOLLARS
35 OR BY BOTH. IF A HORSE IS FOUND WITH THE BONE, TISSUES, MUSCLES OR
36 TENDONS OF ITS TAIL CUT AS AFORESAID AND WITH THE WOUND RESULTING THERE-
37 FROM UNHEALED, UPON THE PREMISES OR IN THE CHARGE AND CUSTODY OF ANY
38 PERSON, SUCH FACT SHALL BE PRIMA FACIE EVIDENCE OF A VIOLATION OF THIS
39 SECTION BY THE OWNER OR USER OF SUCH PREMISES OR THE PERSON HAVING SUCH
40 CHARGE OR CUSTODY, RESPECTIVELY.

41 2. ANY PERSON WHO SHOWS OR EXHIBITS AT ANY HORSE SHOW OR OTHER LIKE
42 EXHIBITION IN THIS STATE A HORSE, MARE OR GELDING, THE TAIL OF WHICH HAS
43 BEEN CUT OR OPERATED UPON IN THE MANNER REFERRED TO IN SUBDIVISION ONE
44 OF THIS SECTION, IS GUILTY OF A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT
45 FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN FIVE HUNDRED
46 DOLLARS, OR BY BOTH; PROVIDED THAT THE PROVISIONS OF THIS SECTION SHALL
47 NOT APPLY WITH RESPECT TO AN ANIMAL THE TAIL OF WHICH HAS BEEN SO CUT OR
48 OPERATED UPON, IF THE OWNER THEREOF FURNISHES TO THE MANAGER OR OTHER
49 OFFICIAL HAVING CHARGE OF THE HORSE SHOW OR EXHIBITION AT WHICH SUCH
50 ANIMAL IS SHOWN OR EXHIBITED AN AFFIDAVIT BY THE OWNER, OR A LICENSED
51 VETERINARIAN, IN A FORM APPROVED BY THE DEPARTMENT OF AGRICULTURE AND
52 MARKETS, STATING THAT IT WAS SO CUT IN A STATE WHEREIN SUCH CUTTING WAS
53 NOT SPECIFICALLY PROHIBITED BY THE LAWS THEREOF. SAID AFFIDAVIT SHALL,
54 TO THE BEST OF AFFIANT'S KNOWLEDGE, INFORMATION AND BELIEF, IDENTIFY THE
55 ANIMAL WITH RESPECT TO SEX, AGE, MARKINGS, SIRE AND DAM, AND STATE THE
56 TIME AND PLACE OF SUCH CUTTING AND THE NAME AND ADDRESS OF THE PERSON BY

1 WHOM PERFORMED. THE AFFIDAVIT SHALL BE SUBJECT TO INSPECTION AT ALL
2 REASONABLE TIMES BY ANY PEACE OFFICER, ACTING PURSUANT TO HIS SPECIAL
3 DUTIES, OR POLICE OFFICER OF THIS STATE, OR BY A DESIGNATED REPRESENTATIVE OF THE COMMISSIONER OF AGRICULTURE AND MARKETS. IN LIEU OF
4 FURNISHING SUCH AFFIDAVIT TO THE MANAGER OR OTHER OFFICIAL HAVING CHARGE
5 OF SUCH HORSE SHOW OR EXHIBITION, THE OWNER OF SUCH HORSE MAY SPECIFY ON
6 THE ENTRY BLANK FOR THE HORSE SHOW OR EXHIBITION THE NAME AND ADDRESS OF
7 A CENTRAL REGISTRY OFFICE DESIGNATED BY THE DEPARTMENT OF AGRICULTURE
8 AND MARKETS WHERE SUCH AN AFFIDAVIT HAS ALREADY BEEN FILED AND IS AVAILABLE FOR INSPECTION.

9 S 236.24 INTERFERENCE WITH OFFICERS.

10 ANY PERSON WHO SHALL INTERFERE WITH OR OBSTRUCT ANY CONSTABLE OR
11 POLICE OFFICER OR ANY OFFICER OR AGENT OF ANY DULY INCORPORATED SOCIETY
12 FOR THE PREVENTION OF CRUELTY TO ANIMALS IN THE DISCHARGE OF HIS DUTY TO
13 ENFORCE THE LAWS RELATING TO ANIMALS SHALL BE GUILTY OF A MISDEMEANOR,
14 PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF
15 NOT MORE THAN ONE THOUSAND DOLLARS, OR BY BOTH.

16 S 236.25 PROTECTION OF THE PUBLIC FROM ATTACK BY WILD ANIMALS AND
17 REPTILES.

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

25 PREVIOUS ATTACKS UPON A HUMAN BEING BY SUCH WILD ANIMAL OR REPTILE, OR
26 KNOWLEDGE OF THE VICIOUS PROPENSITIES OF SUCH WILD ANIMAL OR REPTILE, ON
27 THE PART OF THE POSSESSOR OR HARBORER THEREOF, SHALL NOT BE REQUIRED TO
28 BE PROVEN BY THE PEOPLE UPON A PROSECUTION HEREUNDER; AND NEITHER THE
29 FACT THAT SUCH WILD ANIMAL OR REPTILE HAS NOT PREVIOUSLY ATTACKED A
30 HUMAN BEING, NOR LACK OF KNOWLEDGE OF THE VICIOUS PROPENSITIES OF SUCH
31 WILD ANIMAL OR REPTILE ON THE PART OF THE OWNER, POSSESSOR OR HARBORER
32 THEREOF SHALL CONSTITUTE A DEFENSE TO A PROSECUTION HEREUNDER.

33 S 236.26 POWERS OF PEACE OFFICERS.

34 A CONSTABLE OR POLICE OFFICER MUST, AND ANY AGENT OR OFFICER OF ANY
35 DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS MAY
36 ISSUE AN APPEARANCE TICKET PURSUANT TO SECTION 150.20 OF THE CRIMINAL
37 PROCEDURE LAW, SUMMON OR ARREST, AND BRING BEFORE A COURT OR MAGISTRATE
38 HAVING JURISDICTION, ANY PERSON OFFENDING AGAINST ANY OF THE PROVISIONS
39 OF THIS ARTICLE. ANY OFFICER OR AGENT OF ANY OF SAID SOCIETIES MAY
40 LAWFULLY INTERFERE TO PREVENT THE PERPETRATION OF ANY ACT OF CRUELTY
41 UPON ANY ANIMAL IN HIS PRESENCE. ANY OF SAID SOCIETIES MAY PREFER A
42 COMPLAINT BEFORE ANY COURT, TRIBUNAL OR MAGISTRATE HAVING JURISDICTION,
43 FOR THE VIOLATION OF ANY LAW RELATING TO OR AFFECTING ANIMALS AND MAY
44 AID IN PRESENTING THE LAW AND FACTS BEFORE SUCH COURT, TRIBUNAL OR
45 MAGISTRATE IN ANY PROCEEDING TAKEN.

46 S 236.27 ISSUANCE OF WARRANTS UPON COMPLAINT.

47 UPON COMPLAINT UNDER OATH OR AFFIRMATION TO ANY MAGISTRATE AUTHORIZED
48 TO ISSUE WARRANTS IN CRIMINAL CASES, THAT THE COMPLAINANT HAS JUST AND
49 REASONABLE CAUSE TO SUSPECT THAT ANY OF THE PROVISIONS OF LAW RELATING
50 TO OR IN ANY WAY AFFECTING ANIMALS ARE BEING OR ARE ABOUT TO BE VIOLATED
51 IN ANY PARTICULAR BUILDING OR PLACE, SUCH MAGISTRATE SHALL IMMEDIATELY
52 ISSUE AND DELIVER A WARRANT TO ANY PERSON AUTHORIZED BY LAW TO MAKE
53 ARRESTS FOR SUCH OFFENSES, AUTHORIZING HIM TO ENTER AND SEARCH SUCH
54 BUILDING OR PLACE, AND TO ARREST ANY PERSON THERE PRESENT FOUND VIOLAT-

1 ING ANY OF SAID LAWS, AND TO BRING SUCH PERSON BEFORE THE NEAREST MAGIS-
2 TRATE OF COMPETENT JURISDICTION, TO BE DEALT WITH ACCORDING TO LAW.
3 S 236.28 SEIZURE OF ANIMALS LOST, STRAYED, HOMELESS, ABANDONED OR
4 IMPROPERLY CONFINED OR KEPT.

5 1. ANY POLICE OFFICER OR AGENT OR OFFICER OF THE AMERICAN SOCIETY FOR
6 THE PREVENTION OF CRUELTY TO ANIMALS OR ANY DULY INCORPORATED SOCIETY
7 FOR THE PREVENTION OF CRUELTY TO ANIMALS, MAY LAWFULLY TAKE POSSESSION
8 OF ANY LOST, STRAYED, HOMELESS OR ABANDONED ANIMAL FOUND IN ANY STREET,
9 ROAD OR OTHER PUBLIC PLACE.

10 1-A. ANY POLICE OFFICER IN LEWIS COUNTY MAY LAWFULLY TAKE POSSESSION
11 OF ANY LOST, STRAYED, HOMELESS OR ABANDONED DOMESTIC ANIMAL, AS DEFINED
12 IN SECTION ONE HUNDRED EIGHT OF THE AGRICULTURE AND MARKETS LAW, FOUND
13 IN ANY STREET, ROAD OR OTHER PUBLIC PLACE.

14 2. ANY SUCH POLICE OFFICER OR AGENT OR OFFICER MAY ALSO LAWFULLY TAKE
15 POSSESSION OF ANY ANIMAL IN OR UPON ANY PREMISES OTHER THAN A STREET,
16 ROAD OR OTHER PUBLIC PLACE, WHICH FOR MORE THAN TWELVE SUCCESSIVE HOURS
17 HAS BEEN CONFINED OR KEPT IN A CROWDED OR UNHEALTHY CONDITION OR IN
18 UNHEALTHFUL OR UNSANITARY SURROUNDINGS OR NOT PROPERLY CARED FOR OR
19 WITHOUT NECESSARY SUSTENANCE, FOOD OR DRINK, PROVIDED THAT A COMPLAINT
20 STATING JUST AND REASONABLE GROUNDS IS MADE UNDER OATH OR AFFIRMATION TO
21 ANY MAGISTRATE AUTHORIZED TO ISSUE WARRANTS IN CRIMINAL CASES, AND THAT
22 SUCH WARRANT AUTHORIZING ENTRY AND SEARCH IS ISSUED AND DELIVERED BY
23 SUCH MAGISTRATE; IF JUST AND REASONABLE CAUSE IS SHOWN, THE MAGISTRATE
24 SHALL IMMEDIATELY ISSUE SUCH WARRANT.

25 3. ANY SUCH POLICE OFFICER OR AGENT OR OFFICER MAY ALSO LAWFULLY TAKE
26 POSSESSION OF ANY UNWANTED ANIMAL FROM THE PERSON IN POSSESSION OR
27 CUSTODY THEREOF.

28 4. WHEN ANY PERSON ARRESTED IS, AT THE TIME OF SUCH ARREST, IN CHARGE
29 OF ANY ANIMAL OR OF ANY VEHICLE DRAWN BY OR CONTAINING ANY ANIMAL, ANY
30 AGENT OR OFFICER OF SAID SOCIETY OR SOCIETIES OR ANY POLICE OFFICER MAY
31 TAKE CHARGE OF SUCH ANIMAL AND OF SUCH VEHICLE AND ITS CONTENTS, AND
32 DEPOSIT THE SAME IN A SAFE PLACE OR CUSTODY, OR DELIVER THE SAME INTO
33 THE POSSESSION OF THE POLICE OR SHERIFF OF THE COUNTY OR PLACE WHEREIN
34 SUCH ARREST WAS MADE, WHO SHALL THEREUPON ASSUME THE CUSTODY THEREOF;
35 AND ALL NECESSARY EXPENSES INCURRED IN TAKING CHARGE OF SUCH PROPERTY
36 SHALL BE A CHARGE THEREON.

37 5. NOTHING HEREIN CONTAINED SHALL RESTRICT THE RIGHTS AND POWERS
38 DERIVED FROM SECTION ONE HUNDRED EIGHTEEN OF THE AGRICULTURE AND MARKETS
39 LAW RELATING TO SEIZURE OF UNLICENSED DOGS AND THE DISPOSITION TO BE
40 MADE OF ANIMALS SO SEIZED OR TAKEN, NOR THOSE DERIVED FROM ANY OTHER
41 GENERAL OR SPECIAL LAW RELATING TO THE SEIZURE OR OTHER TAKING OF DOGS
42 AND OTHER ANIMALS BY A SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS.

43 6. A. IF ANY ANIMAL IS SEIZED AND IMPOUNDED PURSUANT TO THE PROVISIONS
44 OF THIS SECTION OR SECTION 236.30 OF THIS ARTICLE FOR ANY VIOLATION OF
45 THIS ARTICLE, UPON ARRAIGNMENT OF CHARGES THE DULY INCORPORATED SOCIETY
46 FOR THE PREVENTION OF CRUELTY TO ANIMALS, HUMANE SOCIETY, POUND, ANIMAL
47 SHELTER OR ANY AUTHORIZED AGENTS THEREOF, HEREINAFTER REFERRED TO FOR
48 THE PURPOSES OF THIS SECTION AS THE "IMPOUNDING ORGANIZATION", MAY FILE
49 A PETITION WITH THE COURT REQUESTING THAT THE PERSON FROM WHOM AN ANIMAL
50 IS SEIZED OR THE OWNER OF THE ANIMAL BE ORDERED TO POST A SECURITY. THE
51 SECURITY SHALL BE IN AN AMOUNT SUFFICIENT TO SECURE PAYMENT FOR ALL
52 REASONABLE EXPENSES EXPECTED TO BE INCURRED BY THE IMPOUNDING ORGANIZA-
53 TION IN CARING AND PROVIDING FOR THE ANIMAL PENDING DISPOSITION OF THE
54 CHARGES. REASONABLE EXPENSES SHALL INCLUDE, BUT NOT BE LIMITED TO,
55 ESTIMATED MEDICAL CARE AND BOARDING OF THE ANIMAL FOR AT LEAST THIRTY
56 DAYS. THE AMOUNT OF THE SECURITY, IF ANY, SHALL BE DETERMINED BY THE

1 COURT AFTER TAKING INTO CONSIDERATION ALL OF THE FACTS AND CIRCUMSTANCES
2 OF THE CASE INCLUDING, BUT NOT LIMITED TO THE RECOMMENDATION OF THE
3 IMPOUNDING ORGANIZATION HAVING CUSTODY AND CARE OF THE SEIZED ANIMAL AND
4 THE COST OF CARING FOR THE ANIMAL. IF A SECURITY HAS BEEN POSTED IN
5 ACCORDANCE WITH THIS SECTION, THE IMPOUNDING ORGANIZATION MAY DRAW FROM
6 THE SECURITY THE ACTUAL REASONABLE COSTS TO BE INCURRED BY SUCH ORGAN-
7 IZATION IN CARING FOR THE SEIZED ANIMAL.

8 B. (I) UPON RECEIPT OF A PETITION PURSUANT TO PARAGRAPH A OF THIS
9 SUBDIVISION THE COURT SHALL SET A HEARING ON THE PETITION TO BE
10 CONDUCTED WITHIN TEN BUSINESS DAYS OF THE FILING OF SUCH PETITION. THE
11 PETITIONER SHALL SERVE A TRUE COPY OF THE PETITION UPON THE DEFENDANT
12 AND THE DISTRICT ATTORNEY. THE PETITIONER SHALL ALSO SERVE A TRUE COPY
13 OF THE PETITION ON ANY INTERESTED PERSON. FOR PURPOSES OF THIS SUBDIVI-
14 SION, INTERESTED PERSON SHALL MEAN AN INDIVIDUAL, PARTNERSHIP, FIRM,
15 JOINT STOCK COMPANY, CORPORATION, ASSOCIATION, TRUST, ESTATE OR OTHER
16 LEGAL ENTITY WHO THE COURT DETERMINES MAY HAVE A PECUNIARY INTEREST IN
17 THE ANIMAL WHICH IS THE SUBJECT OF THE PETITION. THE PETITIONER SHALL
18 HAVE THE BURDEN OF PROVING BY A PREPONDERANCE OF THE EVIDENCE THAT THE
19 PERSON FROM WHOM THE ANIMAL WAS SEIZED VIOLATED A PROVISION OF THIS
20 ARTICLE. THE COURT MAY WAIVE FOR GOOD CAUSE SHOWN THE POSTING OF SECURI-
21 TY.

22 (II) IF THE COURT ORDERS THE POSTING OF A SECURITY, THE SECURITY SHALL
23 BE POSTED WITH THE CLERK OF THE COURT WITHIN FIVE BUSINESS DAYS OF THE
24 HEARING PROVIDED FOR IN SUBPARAGRAPH ONE OF THIS PARAGRAPH. THE COURT
25 MAY ORDER THE IMMEDIATE FORFEITURE OF THE SEIZED ANIMAL TO THE IMPOUND-
26 ING ORGANIZATION IF THE PERSON ORDERED TO POST THE SECURITY FAILS TO DO
27 SO. ANY ANIMAL FORFEITED SHALL BE MADE AVAILABLE FOR ADOPTION OR
28 EUTHANIZED SUBJECT TO SUBDIVISION SEVEN-A OF SECTION ONE HUNDRED EIGH-
29 TEEN OF THE AGRICULTURE AND MARKETS LAW OR SECTION 236.29 OF THIS ARTI-
30 CLE.

31 (III) IN THE CASE OF AN ANIMAL OTHER THAN A COMPANION ANIMAL OR PET,
32 IF A PERSON ORDERED TO POST SECURITY FAILS TO DO SO, THE COURT MAY, IN
33 ADDITION TO THE FORFEITURE TO A DULY INCORPORATED SOCIETY FOR THE
34 PREVENTION OF CRUELTY TO ANIMALS, HUMANE SOCIETY, POUND, ANIMAL SHELTER
35 OR ANY AUTHORIZED AGENTS THEREOF, AND SUBJECT TO THE RESTRICTIONS OF
36 SECTIONS 236.06, 236.09 AND 236.29 OF THIS ARTICLE, ORDER THE ANIMAL
37 WHICH WAS THE BASIS OF THE ORDER TO BE SOLD, PROVIDED THAT ALL INTER-
38 ESTED PERSONS SHALL FIRST BE PROVIDED THE OPPORTUNITY TO REDEEM THEIR
39 INTEREST IN THE ANIMAL AND TO PURCHASE THE INTEREST OF THE PERSON
40 ORDERED TO POST SECURITY, SUBJECT TO SUCH CONDITIONS AS THE COURT DEEMS
41 APPROPRIATE TO ASSURE PROPER CARE AND TREATMENT OF THE ANIMAL. THE COURT
42 MAY REIMBURSE THE PERSON ORDERED TO POST SECURITY AND ANY INTERESTED
43 PERSONS ANY MONEY EARNED BY THE SALE OF THE ANIMAL LESS ANY COSTS
44 INCLUDING, BUT NOT LIMITED TO, VETERINARY AND CUSTODIAL CARE. ANY ANIMAL
45 DETERMINED BY THE COURT TO BE MAIMED, DISEASED, DISABLED OR INFIRM SO AS
46 TO BE UNFIT FOR SALE OR ANY USEFUL PURPOSE SHALL BE FORFEITED TO A DULY
47 INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS OR A DULY
48 INCORPORATED HUMANE SOCIETY OR AUTHORIZED AGENTS THEREOF, AND BE AVAIL-
49 ABLE FOR ADOPTION OR SHALL BE EUTHANIZED SUBJECT TO SECTION 236.29 OF
50 THIS ARTICLE.

51 (IV) NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT OR RESTRICT
52 IN ANY WAY THE RIGHTS OF A SECURED PARTY HAVING A SECURITY INTEREST IN
53 ANY ANIMAL DESCRIBED IN THIS SECTION. THIS SECTION EXPRESSLY DOES NOT
54 IMPAIR OR SUBORDINATE THE RIGHTS OF SUCH A SECURED LENDER HAVING A SECU-
55 RITY INTEREST IN THE ANIMAL OR IN THE PROCEEDS FROM THE SALE OF SUCH
56 ANIMAL.

1 C. IN NO EVENT SHALL THE SECURITY PREVENT THE IMPOUNDING ORGANIZATION
2 HAVING CUSTODY AND CARE OF THE ANIMAL FROM DISPOSING OF THE ANIMAL
3 PURSUANT TO SECTION 236.29 OF THIS ARTICLE PRIOR TO THE EXPIRATION OF
4 THE THIRTY DAY PERIOD COVERED BY THE SECURITY IF THE COURT MAKES A
5 DETERMINATION OF THE CHARGES AGAINST THE PERSON FROM WHOM THE ANIMAL WAS
6 SEIZED PRIOR THERETO. UPON RECEIPT OF A PETITION FROM THE IMPOUNDING
7 ORGANIZATION, THE COURT MAY ORDER THE PERSON FROM WHOM THE ANIMAL WAS
8 SEIZED OR THE OWNER OF THE ANIMAL TO POST AN ADDITIONAL SECURITY WITH
9 THE CLERK OF THE COURT TO SECURE PAYMENT OF REASONABLE EXPENSES FOR AN
10 ADDITIONAL PERIOD OF TIME PENDING A DETERMINATION BY THE COURT OF THE
11 CHARGES AGAINST THE PERSON FROM WHOM THE ANIMAL WAS SEIZED. THE PERSON
12 WHO POSTED THE SECURITY SHALL BE ENTITLED TO A REFUND OF THE SECURITY IN
13 WHOLE OR PART FOR ANY EXPENSES NOT INCURRED BY SUCH IMPOUNDING ORGANIZA-
14 TION UPON ADJUDICATION OF THE CHARGES. THE PERSON WHO POSTED THE SECURI-
15 TY SHALL BE ENTITLED TO A FULL REFUND OF THE SECURITY, INCLUDING
16 REIMBURSEMENT BY THE IMPOUNDING ORGANIZATION OF ANY AMOUNT ALLOWED BY
17 THE COURT TO BE EXPENDED, AND THE RETURN OF THE ANIMAL SEIZED AND
18 IMPOUNDED UPON ACQUITTAL OR DISMISSAL OF THE CHARGES, EXCEPT WHERE THE
19 DISMISSAL IS BASED UPON AN ADJOURNMENT IN CONTEMPLATION OF DISMISSAL
20 PURSUANT TO SECTION 215.30 OF THE CRIMINAL PROCEDURE LAW. THE COURT
21 ORDER DIRECTING SUCH REFUND AND REIMBURSEMENT SHALL PROVIDE FOR PAYMENT
22 TO BE MADE WITHIN A REASONABLE TIME FROM THE ACQUITTAL OR DISMISSAL OF
23 CHARGES.

24 7. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION TO THE CONTRA-
25 RY, THE COURT MAY ORDER A PERSON CHARGED WITH ANY VIOLATION OF THIS
26 ARTICLE TO PROVIDE NECESSARY FOOD, WATER, SHELTER AND CARE FOR ANY
27 ANIMAL WHICH IS THE BASIS OF THE CHARGE, WITHOUT THE REMOVAL OF THE
28 ANIMAL FROM ITS EXISTING LOCATION, UNTIL THE CHARGES AGAINST THE PERSON
29 ARE ADJUDICATED. UNTIL A FINAL DETERMINATION OF THE CHARGES IS MADE,
30 ANY LAW ENFORCEMENT OFFICER, OFFICER OF A DULY INCORPORATED SOCIETY FOR
31 THE PREVENTION OF CRUELTY TO ANIMALS, OR ITS AUTHORIZED AGENTS, MAY BE
32 AUTHORIZED BY AN ORDER OF THE COURT TO MAKE REGULAR VISITS TO WHERE THE
33 ANIMAL IS BEING KEPT TO ASCERTAIN IF THE ANIMAL IS RECEIVING NECESSARY
34 FOOD, WATER, SHELTER AND CARE. NOTHING SHALL PREVENT ANY LAW ENFORCEMENT
35 OFFICER, OFFICER OF A DULY INCORPORATED SOCIETY FOR THE PREVENTION OF
36 CRUELTY TO ANIMALS, OR ITS AUTHORIZED AGENTS, FROM APPLYING FOR A
37 WARRANT PURSUANT TO THIS SECTION TO SEIZE ANY ANIMAL BEING HELD BY THE
38 PERSON CHARGED PENDING THE ADJUDICATION OF THE CHARGES IF IT IS DETER-
39 MINED THAT THE ANIMAL IS NOT RECEIVING THE NECESSARY FOOD, WATER, SHEL-
40 TER OR CARE.

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

43 1. ANY AGENT OR OFFICER OF THE AMERICAN SOCIETY FOR THE PREVENTION OF
44 CRUELTY TO ANIMALS, OR OF ANY SOCIETY DULY INCORPORATED FOR THAT
45 PURPOSE, OR ANY POLICE OFFICER, MAY LAWFULLY AND HUMANELY DESTROY OR
46 CAUSE TO BE HUMANELY DESTROYED ANY ANIMAL FOUND ABANDONED AND NOT PROP-
47 ERLY CARED FOR, OR ANY LOST, STRAYED, HOMELESS OR UNWANTED ANIMAL, IF
48 UPON EXAMINATION A LICENSED VETERINARY SURGEON SHALL CERTIFY IN WRITING,
49 OR IF TWO REPUTABLE CITIZENS CALLED BY HIM TO VIEW THE SAME IN HIS PRES-
50 ENCE FIND THAT THE ANIMAL IS SO MAIMED, DISEASED, DISABLED, OR INFIRM SO
51 AS TO BE UNFIT FOR ANY USEFUL PURPOSE; OR AFTER SUCH AGENT OR OFFICER
52 HAS OBTAINED IN WRITING FROM THE OWNER OF SUCH ANIMAL HIS CONSENT TO
53 SUCH DESTRUCTION.

54 2. IN THE ABSENCE OF SUCH FINDINGS OR CERTIFICATE THE AMERICAN SOCIETY
55 FOR THE PREVENTION OF CRUELTY TO ANIMALS OR ANY SOCIETY DULY INCORPO-
56 RATED FOR THAT PURPOSE MAY AFTER FIVE DAYS HUMANELY DESTROY ANY ANIMAL

1 OF WHICH POSSESSION IS TAKEN AS PROVIDED FOR IN SECTION 236.28 OF THIS
2 SECTION, UNLESS THE SAME IS EARLIER REDEEMED BY ITS OWNER.

3 2-A. THE USE OF A DECOMPRESSION CHAMBER OR DECOMPRESSION DEVICE OF ANY
4 KIND IS HEREBY DECLARED TO BE INHUMANE WHEN USED FOR THE PURPOSE OF
5 DESTROYING AN ANIMAL AND IS HEREBY PROHIBITED.

6 2-B. NO PERSON SHALL EUTHANIZE ANY DOG OR CAT WITH T-61, CURARE, ANY
7 CURARIFORM DRUG, ANY NEURO-MUSCULAR BLOCKING AGENT OR ANY OTHER PARALYZ-
8 ING DRUG.

9 2-C. NO PERSON SHALL EUTHANIZE A DOG OR CAT BY GUNSHOT EXCEPT AS AN
10 EMERGENCY PROCEDURE FOR A DANGEROUS DOG OR A SEVERELY INJURED DOG OR CAT
11 THAT IS SUFFERING AND CANNOT OTHERWISE BE AIDED.

12 2-D. NO PERSON SHALL EUTHANIZE A DOG OR CAT BY GAS EMITTED FROM ANY
13 ENGINE EXHAUST SYSTEM.

14 2-E. NO PERSON SHALL RELEASE ANY DOG OR CAT FROM THE CUSTODY OR
15 CONTROL OF ANY POUND, SHELTER, SOCIETY FOR THE PREVENTION OF CRUELTY TO
16 ANIMALS, HUMANE SOCIETY, DOG PROTECTIVE ASSOCIATION, DOG CONTROL OFFI-
17 CER, PEACE OFFICER OR ANY AGENT THEREOF, FOR ANY PURPOSE EXCEPT ADOPTION
18 OR REDEMPTION BY ITS OWNER.

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

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

27 4. PRIOR TO SUCH DESTRUCTION OR OTHER DISPOSITION, THE OWNER OF THE
28 ANIMAL MAY REDEEM THE SAME UPON PROVING TITLE TO THE SATISFACTION OF
29 SUCH SOCIETY AND PAYING SUCH SOCIETY SUCH AMOUNT, APPROVED BY A MAGIS-
30 TRATE, AS MAY HAVE BEEN REASONABLY EXPENDED BY SUCH SOCIETY IN
31 CONNECTION WITH THE CARE AND MAINTENANCE THEREOF.

32 5. A. IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, UPON
33 CONVICTION FOR ANY VIOLATION OF SECTION 236.01, 236.02, 236.03, 236.04,
34 236.07, 236.08, 236.12, 236.14, 236.15, 236.19 OR 236.23 OF THIS ARTI-
35 CLE, THE CONVICTED PERSON MAY, AFTER A DULY HELD HEARING PURSUANT TO
36 PARAGRAPH F OF THIS SUBDIVISION, BE ORDERED BY THE COURT TO FORFEIT, TO
37 A DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS OR
38 A DULY INCORPORATED HUMANE SOCIETY OR AUTHORIZED AGENTS THEREOF, THE
39 ANIMAL OR ANIMALS WHICH ARE THE BASIS OF THE CONVICTION. UPON SUCH AN
40 ORDER OF FORFEITURE, THE CONVICTED PERSON SHALL BE DEEMED TO HAVE RELIN-
41 QUISHED ALL RIGHTS TO THE ANIMALS WHICH ARE THE BASIS OF THE CONVICTION,
42 EXCEPT THOSE GRANTED IN PARAGRAPH D OF THIS SUBDIVISION.

43 B. PURSUANT TO THE PROVISIONS OF SUBDIVISIONS TWO-A, TWO-B, TWO-C AND
44 TWO-D OF THIS SECTION, NO DOG OR CAT IN THE CUSTODY OF A DULY INCORPO-
45 RATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, A DULY INCORPO-
46 RATED HUMANE SOCIETY OR ITS AUTHORIZED AGENTS THEREOF, OR A POUND OR
47 SHELTER, SHALL BE SOLD, TRANSFERRED OR OTHERWISE MADE AVAILABLE TO ANY
48 PERSON FOR THE PURPOSE OF RESEARCH, EXPERIMENTATION OR TESTING. NO
49 AUTHORIZED AGENT OF A DULY INCORPORATED SOCIETY FOR THE PREVENTION OF
50 CRUELTY TO ANIMALS, NOR OF A DULY INCORPORATED HUMANE SOCIETY, SHALL USE
51 ANY ANIMAL PLACED IN ITS CUSTODY BY THE DULY INCORPORATED SOCIETY FOR
52 THE PREVENTION OF CRUELTY TO ANIMALS OR DULY INCORPORATED HUMANE SOCIETY
53 FOR THE PURPOSE OF RESEARCH, EXPERIMENTATION OR TESTING.

54 C. THE COURT MAY ADDITIONALLY ORDER THAT THE CONVICTED PERSON OR ANY
55 PERSON DWELLING IN THE SAME HOUSEHOLD WHO CONSPIRED, AIDED OR ABETTED IN
56 THE UNLAWFUL ACT WHICH WAS THE BASIS OF THE CONVICTION, OR WHO KNEW OR

1 SHOULD HAVE KNOWN OF THE UNLAWFUL ACT, SHALL NOT OWN, HARBOR, OR HAVE
2 CUSTODY OR CONTROL OF ANY OTHER ANIMALS, OTHER THAN FARM ANIMALS, FOR A
3 PERIOD OF TIME WHICH THE COURT DEEMS REASONABLE.

4 D. IN THE CASE OF FARM ANIMALS, THE COURT MAY, IN ADDITION TO THE
5 FORFEITURE TO A DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY
6 TO ANIMALS OR A DULY INCORPORATED HUMANE SOCIETY OR AUTHORIZED AGENTS
7 THEREOF, AND SUBJECT TO THE RESTRICTIONS OF SECTIONS 236.06 AND 236.09
8 OF THIS ARTICLE, ORDER THE FARM ANIMALS WHICH WERE THE BASIS OF THE
9 CONVICTION TO BE SOLD. IN NO CASE SHALL FARM ANIMALS WHICH ARE THE BASIS
10 OF THE CONVICTION BE REDEEMED BY THE CONVICTED PERSON WHO IS THE SUBJECT
11 OF THE ORDER OF FORFEITURE OR BY ANY PERSON DWELLING IN THE SAME HOUSE-
12 HOLD WHO CONSPIRED, AIDED OR ABETTED IN THE UNLAWFUL ACT WHICH WAS THE
13 BASIS OF THE CONVICTION, OR WHO KNEW OR SHOULD HAVE KNOWN OF THE UNLAW-
14 FUL ACT. THE COURT SHALL REIMBURSE THE CONVICTED PERSON AND ANY DULY
15 DETERMINED INTERESTED PERSONS, PURSUANT TO PARAGRAPH F OF THIS SUBDIVI-
16 SION, ANY MONEY EARNED BY THE SALE OF THE FARM ANIMALS LESS ANY COSTS
17 INCLUDING, BUT NOT LIMITED TO, VETERINARY AND CUSTODIAL CARE, AND ANY
18 FINES OR PENALTIES IMPOSED BY THE COURT. THE COURT MAY ORDER THAT THE
19 SUBJECT ANIMALS BE PROVIDED WITH APPROPRIATE CARE AND TREATMENT PENDING
20 THE HEARING AND THE DISPOSITION OF THE CHARGES. ANY FARM ANIMAL ORDERED
21 FORFEITED BUT NOT SOLD SHALL BE REMANDED TO THE CUSTODY AND CHARGE OF A
22 DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS OR
23 DULY INCORPORATED HUMANE SOCIETY OR ITS AUTHORIZED AGENT THEREOF AND
24 DISPOSED OF PURSUANT TO PARAGRAPH E OF THIS SUBDIVISION.

25 E. A DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO
26 ANIMALS OR A DULY INCORPORATED HUMANE SOCIETY IN CHARGE OF ANIMALS
27 FORFEITED PURSUANT TO PARAGRAPH A OF THIS SUBDIVISION MAY, IN ITS
28 DISCRETION, LAWFULLY AND WITHOUT LIABILITY, ADOPT THEM TO INDIVIDUALS
29 OTHER THAN THE CONVICTED PERSON OR PERSON DWELLING IN THE SAME HOUSEHOLD
30 WHO CONSPIRED, AIDED OR ABETTED IN THE UNLAWFUL ACT WHICH WAS THE BASIS
31 OF THE CONVICTION, OR WHO KNEW OR SHOULD HAVE KNOWN OF THE UNLAWFUL ACT,
32 OR HUMANELY DISPOSE OF THEM ACCORDING TO THE PROVISIONS OF SUBDIVISIONS
33 TWO-A, TWO-B, TWO-C, AND TWO-D OF THIS SECTION.

34 F. (I) PRIOR TO AN ORDER OF FORFEITURE OF FARM ANIMALS, A HEARING
35 SHALL BE HELD WITHIN THIRTY DAYS OF CONVICTION, TO DETERMINE THE PECUNI-
36 ARY INTERESTS OF ANY OTHER PERSON IN THE FARM ANIMALS WHICH WERE THE
37 BASIS OF THE CONVICTION. WRITTEN NOTICE SHALL BE SERVED AT LEAST FIVE
38 DAYS PRIOR TO THE HEARING UPON ALL INTERESTED PERSONS. IN ADDITION,
39 NOTICE SHALL BE MADE BY PUBLICATION IN A LOCAL NEWSPAPER AT LEAST SEVEN
40 DAYS PRIOR TO THE HEARING. FOR THE PURPOSES OF THIS SUBDIVISION, INTER-
41 ESTED PERSONS SHALL MEAN ANY INDIVIDUAL, PARTNERSHIP, FIRM, JOINT STOCK
42 COMPANY, CORPORATION, ASSOCIATION, TRUST, ESTATE, OR OTHER LEGAL ENTITY
43 WHO THE COURT DETERMINES MAY HAVE A PECUNIARY INTEREST IN THE FARM
44 ANIMALS WHICH ARE THE SUBJECT OF THE FORFEITURE ACTION.

45 (II) ALL INTERESTED PERSONS SHALL BE PROVIDED AN OPPORTUNITY AT THE
46 HEARING TO REDEEM THEIR INTEREST AS DETERMINED BY THE COURT IN THE
47 SUBJECT FARM ANIMALS AND TO PURCHASE THE INTEREST OF THE CONVICTED
48 PERSON. THE CONVICTED PERSON SHALL BE ENTITLED TO BE REIMBURSED HIS
49 INTEREST IN THE FARM ANIMALS, LESS ANY COSTS, FINES OR PENALTIES IMPOSED
50 BY THE COURT, AS SPECIFIED UNDER PARAGRAPH D OF THIS SUBDIVISION. IN NO
51 CASE SHALL THE COURT AWARD CUSTODY OR CONTROL OF THE ANIMALS TO ANY
52 INTERESTED PERSON WHO CONSPIRED, AIDED OR ABETTED IN THE UNLAWFUL ACT
53 WHICH WAS THE BASIS OF THE CONVICTION, OR WHO KNEW OR SHOULD HAVE KNOWN
54 OF THE UNLAWFUL ACT.

55 G. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT OR RESTRICT IN
56 ANY WAY THE RIGHTS OF A SECURED PARTY HAVING A SECURITY INTEREST IN ANY

FARM ANIMAL DESCRIBED IN THIS SECTION. THIS SECTION EXPRESSLY DOES NOT IMPAIR OR SUBORDINATE THE RIGHTS OF SUCH A SECURED LENDER HAVING A SECURITY INTEREST IN FARM ANIMALS OR IN THE PROCEEDS FROM THE SALE OF SUCH FARM ANIMALS.

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

ANY OFFICER AUTHORIZED BY LAW TO MAKE ARRESTS MAY LAWFULLY TAKE POSSESSION OF ANY ANIMALS, OR IMPLEMENTS, OR OTHER PROPERTY USED OR EMPLOYED, OR ABOUT TO BE USED OR EMPLOYED, IN THE VIOLATION OF ANY PROVISION OF LAW RELATING TO FIGHTS AMONG ANIMALS. HE SHALL STATE TO THE PERSON IN CHARGE THEREOF, AT THE TIME OF SUCH TAKING, HIS NAME AND RESIDENCE, AND ALSO, THE TIME AND PLACE AT WHICH THE APPLICATION PROVIDED FOR BY SECTION 236.31 OF THIS ARTICLE WILL BE MADE.

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

THE OFFICER, AFTER TAKING POSSESSION OF SUCH ANIMALS, OR IMPLEMENTS, OR OTHER PROPERTY, PURSUANT TO SECTION 236.30 OF THIS ARTICLE, SHALL APPLY TO THE MAGISTRATE BEFORE WHOM COMPLAINT IS MADE AGAINST THE OFFENDER VIOLATING SUCH PROVISION OF LAW, FOR THE ORDER AUTHORIZED BY THIS SECTION, AND SHALL MAKE AND FILE AN AFFIDAVIT WITH SUCH MAGISTRATE, STATING THEREIN THE NAME OF THE OFFENDER CHARGED IN SUCH COMPLAINT, THE TIME, PLACE AND DESCRIPTION OF THE ANIMALS, IMPLEMENTS OR OTHER PROPERTY SO TAKEN, TOGETHER WITH THE NAME OF THE PARTY WHO CLAIMS THE SAME, IF KNOWN, AND THAT THE AFFIANT HAS REASON TO BELIEVE AND DOES BELIEVE, STATING THE GROUNDS OF SUCH BELIEF, THAT THE SAME WERE USED OR EMPLOYED, OR WERE ABOUT TO BE USED OR EMPLOYED, IN SUCH VIOLATION, AND WILL ESTABLISH THE TRUTH THEREOF UPON THE TRIAL OF SUCH OFFENDER. HE SHALL THEN DELIVER SUCH ANIMALS, IMPLEMENTS, OR OTHER PROPERTY, TO SUCH MAGISTRATE, WHO SHALL THEREUPON, BY ORDER IN WRITING, PLACE THE SAME IN THE CUSTODY OF AN OFFICER OR OTHER PROPER PERSON IN SUCH ORDER NAMED AND DESIGNATED, TO BE BY HIM KEPT UNTIL THE TRIAL OR FINAL DISCHARGE OF THE OFFENDER, AND SHALL SEND A COPY OF SUCH ORDER, WITHOUT DELAY, TO THE DISTRICT ATTORNEY OF THE COUNTY. THE OFFICER OR PERSON SO NAMED AND DESIGNATED IN SUCH ORDER, SHALL IMMEDIATELY THEREUPON ASSUME SUCH CUSTODY, AND SHALL RETAIN THE SAME FOR THE PURPOSE OF EVIDENCE UPON SUCH TRIAL, SUBJECT TO THE ORDER OF THE COURT BEFORE WHICH SUCH OFFENDER MAY BE REQUIRED TO APPEAR, UNTIL HIS FINAL DISCHARGE OR CONVICTION. UPON THE CONVICTION OF SUCH OFFENDER, THE ANIMALS, IMPLEMENTS, OR OTHER PROPERTY, SHALL BE ADJUDGED BY THE COURT TO BE FORFEITED. IN THE EVENT OF THE ACQUITTAL OR FINAL DISCHARGE, WITHOUT CONVICTION, OF SUCH OFFENDER, SUCH COURT SHALL, ON DEMAND, DIRECT THE DELIVERY OF THE PROPERTY SO HELD IN CUSTODY TO THE OWNER THEREOF.

S 236.32 DISPOSAL OF DEAD ANIMALS.

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

2. NOTWITHSTANDING SECTION FORTY-ONE OF THE AGRICULTURE AND MARKETS LAW, ANY VIOLATION OF THIS SECTION SHALL CONSTITUTE A VIOLATION. THIS

1 SECTION SHALL NOT APPLY TO ANIMAL CARCASSES USED FOR EXPERIMENTAL OR
2 TEACHING PURPOSES.

3 S 236.33 SPAYING AND NEUTERING OF DOGS AND CATS.

4 1. THE LEGISLATURE FINDS THAT THE UNCONTROLLED BREEDING OF DOGS AND
5 CATS IN THE STATE RESULTS IN AN OVERABUNDANCE OF PUPPIES AND KITTENS.
6 MORE PUPPIES AND KITTENS ARE PRODUCED THAN RESPONSIBLE HOMES FOR THEM
7 CAN BE PROVIDED. THIS LEADS TO MANY OF SUCH ANIMALS BECOMING STRAY AND
8 SUFFERING PRIVATION AND DEATH, BEING IMPOUNDED AND DESTROYED AT GREAT
9 EXPENSE TO THE COMMUNITY AND CONSTITUTING A PUBLIC NUISANCE AND HEALTH
10 HAZARD. IT IS THEREFORE DECLARED TO BE THE PUBLIC POLICY OF THIS STATE
11 THAT EVERY FEASIBLE HUMANE MEANS OF REDUCING THE PRODUCTION OF UNWANTED
12 PUPPIES AND KITTENS BE ENCOURAGED.

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

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

18 (B) THE PERSON INTENDING TO ADOPT THE DOG OR CAT SHALL HAVE EXECUTED A
19 WRITTEN AGREEMENT WITH THE ANIMAL SHELTER, POUND, DOG CONTROL OFFICER,
20 HUMANE SOCIETY, DOG OR CAT PROTECTIVE ASSOCIATION, OR DULY INCORPORATED
21 SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, TO HAVE THE DOG OR CAT
22 SPAYED OR NEUTERED WITHIN THIRTY DAYS FROM THE ADOPTION DATE, OR IN THE
23 CASE OF A DOG OR CAT WHICH HAS NOT YET REACHED SEXUAL MATURITY WITHIN
24 THIRTY DAYS OF THE DOG OR CAT REACHING SIX MONTHS OF AGE. THE PERSON
25 INTENDING TO ADOPT THE DOG OR CAT SHALL DEPOSIT WITH THE ANIMAL SHELTER,
26 POUND, DOG CONTROL OFFICER, HUMANE SOCIETY, DOG OR CAT PROTECTIVE ASSO-
27 CIATION, OR DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO
28 ANIMALS, AN AMOUNT OF NOT LESS THAN THIRTY-FIVE DOLLARS. NOT MORE THAN
29 EVERY TWO YEARS, THE COMMISSIONER OF AGRICULTURE AND MARKETS, AFTER
30 HOLDING A PUBLIC HEARING, MAY RAISE THE AMOUNT TO BE DEPOSITED TO
31 REFLECT RISING COSTS; OR

32 (C) THE PERSON INTENDING TO ADOPT THE DOG OR CAT SHALL HAVE EXECUTED A
33 WRITTEN AGREEMENT WITH THE ANIMAL SHELTER, POUND, DOG CONTROL OFFICER,
34 HUMANE SOCIETY, DOG OR CAT PROTECTIVE ASSOCIATION OR SOCIETY FOR THE
35 PREVENTION OF CRUELTY TO ANIMALS TO HAVE THE DOG OR CAT SPAYED OR
36 NEUTERED WITHIN THIRTY DAYS FROM THE ADOPTION DATE, OR IN THE CASE OF A
37 DOG OR CAT WHICH HAS NOT YET REACHED SEXUAL MATURITY, WITHIN THIRTY DAYS
38 OF THE DOG OR CAT REACHING SIX MONTHS OF AGE. THE PERSON INTENDING TO
39 ADOPT THE DOG OR CAT SHALL HAVE PAID AN ADOPTION FEE WHICH INCLUDES THE
40 COST OF THE SPAY OR NEUTER PROCEDURE. THE WRITTEN AGREEMENT SHALL
41 REQUIRE THAT THE ANIMAL SHELTER, POUND, DOG CONTROL OFFICER, HUMANE
42 SOCIETY, DOG OR CAT PROTECTIVE ASSOCIATION OR SOCIETY FOR THE PREVENTION
43 OF CRUELTY TO ANIMALS FROM WHICH THE DOG OR CAT IS ADOPTED BEAR THE COST
44 OF THE SPAY OR NEUTER PROCEDURE.

45 3. FOR THE PURPOSES OF THIS SECTION, THE AGE OF THE ANIMAL AT THE TIME
46 OF ADOPTION SHALL BE DETERMINED BY THE ANIMAL SHELTER, POUND, DOG
47 CONTROL OFFICER, HUMANE SOCIETY, DOG OR CAT PROTECTIVE ASSOCIATION, OR
48 DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS THAT
49 RELEASES THE ANIMAL FOR ADOPTION AND SUCH AGE SHALL BE CLEARLY WRITTEN
50 ON THE WRITTEN AGREEMENT BY THE ANIMAL SHELTER, POUND, DOG CONTROL OFFI-
51 CER, HUMANE SOCIETY, DOG OR CAT PROTECTIVE ASSOCIATION, OR DULY INCORPO-
52 RATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, PRIOR TO THE
53 AGREEMENT BEING EXECUTED BY THE PERSON ADOPTING THE ANIMAL.

54 4. ANY DEPOSIT COLLECTED PURSUANT TO PARAGRAPH (B) OF SUBDIVISION TWO
55 OF THIS SECTION THAT IS NOT CLAIMED WITHIN NINETY DAYS OF ITS
56 COLLECTION, OR IF THE DEPOSIT IS FOR AN ANIMAL UNDER SIX MONTHS OF AGE,

1 WITHIN SIXTY DAYS AFTER THE ANIMAL HAS REACHED SIX MONTHS OF AGE, SHALL
2 BE DEPOSITED IN THE ANIMAL POPULATION CONTROL FUND ESTABLISHED PURSUANT
3 TO SECTION NINETY-SEVEN-XX OF THE STATE FINANCE LAW.

4 DEPOSITS COLLECTED PURSUANT TO PARAGRAPH (B) OF SUBDIVISION TWO OF
5 THIS SECTION SHALL BE REFUNDED TO THE ADOPTER UPON PRESENTATION TO THE
6 ANIMAL SHELTER, POUND, DOG CONTROL OFFICER, HUMANE SOCIETY, DOG AND CAT
7 PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR THE PREVENTION
8 OF CRUELTY TO ANIMALS OF WRITTEN DOCUMENTATION FROM A LICENSED VETERINA-
9 RIAN THAT THE DOG OR CAT HAS BEEN SPAYED OR NEUTERED, PROVIDED THAT THE
10 ANIMAL HAS BEEN SPAYED OR NEUTERED WITHIN THE TIME SPECIFIED IN THE
11 WRITTEN AGREEMENT, OR THAT BECAUSE OF OLD AGE OR OTHER HEALTH REASONS,
12 AS CERTIFIED BY A LICENSED VETERINARIAN EXAMINING THE DOG OR CAT, SPAY-
13 ING OR NEUTERING WOULD ENDANGER THE ANIMAL'S LIFE.

14 5. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT ANY TOWN, CITY,
15 VILLAGE OR COUNTY IN THIS STATE FROM ENACTING A LOCAL LAW OR ORDINANCE
16 REQUIRING THAT ANIMAL SHELTERS, POUNDS, DOG CONTROL OFFICERS, HUMANE
17 SOCIETIES, DOG OR CAT PROTECTIVE ASSOCIATIONS AND DULY INCORPORATED
18 SOCIETIES FOR THE PREVENTION OF CRUELTY TO ANIMALS WITHIN SUCH TOWN,
19 CITY, VILLAGE OR COUNTY SPAY OR NEUTER DOGS AND CATS PRIOR TO RELEASING
20 SUCH ANIMALS FOR ADOPTION, PROVIDED THAT SUCH LOCAL LAW OR ORDINANCE MAY
21 REQUIRE SPAYING OR NEUTERING AT AN AGE EARLIER, BUT IN NO EVENT LATER
22 THAN THAT REQUIRED IN THIS SECTION, EXCEPT WHERE BECAUSE OF ADVANCED AGE
23 OR OTHER HEALTH REASONS, AS CERTIFIED BY A LICENSED VETERINARIAN WHO HAS
24 EXAMINED THE DOG OR CAT, SPAYING OR NEUTERING WOULD ENDANGER THE LIFE OF
25 THE ANIMAL. A TOWN, CITY, VILLAGE OR COUNTY IN THIS STATE THAT ENACTS
26 SUCH A LOCAL LAW OR ORDINANCE SHALL BE EXEMPT FROM THE PROVISIONS OF
27 THIS SECTION.

28 S 236.34 UNLAWFUL TAMPERING WITH ANIMAL RESEARCH.

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

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

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

37 (C) "FACILITY" MEANS ANY BUILDING, STRUCTURE, LABORATORY, VEHICLE,
38 PASTURE, PADDOCK, POND, IMPOUNDMENT OR PREMISES WHERE ANY SCIENTIFIC
39 RESEARCH, TEST, EXPERIMENT, PRODUCTION, EDUCATION, OR INVESTIGATION
40 INVOLVING THE USE OF ANY ANIMAL IS CARRIED OUT, CONDUCTED OR ATTEMPTED
41 OR WHERE RECORDS OR DOCUMENTS RELATING TO AN ANIMAL OR ANIMAL RESEARCH,
42 TESTS, EXPERIMENTS, PRODUCTION, EDUCATION OR INVESTIGATION ARE MAIN-
43 TAINED.

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

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

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

50 (G) "SECRET SCIENTIFIC MATERIAL" MEANS A SAMPLE, CULTURE, MICRO-ORGAN-
51 ISM, SPECIMEN, RECORD, RECORDING, DOCUMENT, DRAWING OR ANY OTHER ARTI-
52 CLE, MATERIAL, DEVICE OR SUBSTANCE WHICH CONSTITUTES, REPRESENTS,
53 EVIDENCES, REFLECTS, OR RECORDS A SCIENTIFIC OR TECHNICAL PROCESS,
54 INVENTION OR FORMULA OR ANY PART OR PHASE THEREOF WHICH IS STORED, TEST-
55 ED, STUDIED OR EXAMINED IN ANY FACILITY, AND WHICH IS NOT, AND NOT
56 INTENDED TO BE, AVAILABLE TO ANYONE OTHER THAN THE PERSON OR PERSONS

1 RIGHTFULLY IN POSSESSION THEREOF OR SELECTED PERSONS HAVING ACCESS THERE-
2 ETO WITH HIS OR THEIR CONSENT, AND WHEN IT ACCORDS OR MAY ACCORD SUCH
3 RIGHTFUL POSSESSORS AN ADVANTAGE OVER COMPETITORS OR OTHER PERSONS WHO
4 DO NOT HAVE KNOWLEDGE OR THE BENEFIT THEREOF.

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

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

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

10 (B) PROMINENTLY POSTING WRITTEN NOTICE UPON OR IMMEDIATELY ADJACENT TO
11 THE FACILITY; OR

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

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

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

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

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

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

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

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

32 IN ANY ACTION BROUGHT BY ANY PERSON TO ENFORCE THIS SECTION, THE COURT
33 MAY, SUBJECT TO ITS JURISDICTION, ISSUE AN INJUNCTION TO RESTRAIN OR
34 PREVENT ANY VIOLATION OF THIS SECTION OR ANY CONTINUANCE OF ANY SUCH
35 VIOLATION.

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

38 1. IT SHALL BE UNLAWFUL FOR ANY PERSON, FIRM, PARTNERSHIP OR CORPO-
39 RATION TO KNOWINGLY IMPORT, SELL, OFFER FOR SALE, MANUFACTURE, DISTRIB-
40 UTE, TRANSPORT OR OTHERWISE MARKET OR TRADE IN THE FUR, HAIR, SKIN OR
41 FLESH OF A DOMESTICATED DOG (CANIS FAMILIARIS) OR DOMESTICATED CAT
42 (FELIS CATUS OR DOMESTICUS), WHETHER DOMESTICALLY RAISED OR IMPORTED
43 FROM ANOTHER COUNTRY, OR ANY PRODUCT OR ITEM CONTAINING OR COMPRISED OF
44 THE FUR, HAIR, SKIN OR FLESH OF A DOG OR CAT. AS USED IN THIS SECTION
45 THE TERM "DOMESTICATED DOG OR CAT" SHALL NOT MEAN OR INCLUDE COYOTE
46 (RANIS LATRANS), FOX (VULPES VULPES, VULPES CINEREOARGENTEUS), LYNX
47 (FELIS LYNX) OR BOBCAT (FELIS RUFUS).

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

51 3. THE COMMISSIONER OF AGRICULTURE AND MARKETS SHALL MAINTAIN A STAND-
52 ARD FOR THE CERTIFICATION REQUIRED BY THE PROVISIONS OF SUBDIVISION TWO
53 OF THIS SECTION.

54 4. A VIOLATION OF THIS SECTION SHALL BE PUNISHABLE BY A CIVIL PENALTY
55 OF UP TO ONE THOUSAND DOLLARS FOR AN INDIVIDUAL AND UP TO FIVE THOUSAND
56 DOLLARS FOR A CORPORATION FOR THE FIRST VIOLATION. ANY SUBSEQUENT

VIOLATION SHALL BE PUNISHABLE BY A CIVIL PENALTY OF UP TO TWENTY-FIVE THOUSAND DOLLARS.

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

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

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

S 236.36 CONFINEMENT OF COMPANION ANIMALS IN VEHICLES; EXTREME TEMPERATURES.

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

2. WHERE THE OPERATOR OF SUCH A VEHICLE CANNOT BE PROMPTLY LOCATED, A POLICE OFFICER, PEACE OFFICER, OR PEACE OFFICER ACTING AS AN AGENT OF A DULY INCORPORATED HUMANE SOCIETY MAY TAKE NECESSARY STEPS TO REMOVE THE ANIMAL OR ANIMALS FROM THE VEHICLE.

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

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

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

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

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

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

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

1 (a) "Dangerous dog" means any dog which (i) without justification
2 attacks a person, companion animal as defined in subdivision five of
3 section [three hundred fifty of this chapter] 236.00 OF THE PENAL LAW,
4 farm animal as defined in subdivision four of section [three hundred
5 fifty of this chapter] 236.00 OF THE PENAL LAW or domestic animal as
6 defined in subdivision seven of this section and causes physical injury
7 or death, or (ii) behaves in a manner which a reasonable person would
8 believe poses a serious and unjustified imminent threat of serious phys-
9 ical injury or death to one or more persons, companion animals, farm
10 animals or domestic animals or (iii) without justification attacks a
11 service dog, guide dog or hearing dog and causes physical injury or
12 death.

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

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

23 S 5. Subparagraph 2 of paragraph (f) of subdivision 1 of section
24 530.12 of the criminal procedure law, as added by chapter 253 of the
25 laws of 2006, is amended to read as follows:

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

29 S 6. Subparagraph 2 of paragraph (c) of subdivision 1 and subparagraph
30 2 of paragraph (c) of subdivision 4 of section 530.13 of the criminal
31 procedure law, as added by chapter 253 of the laws of 2006, are amended
32 to read as follows:

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

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

39 S 7. The opening paragraph of paragraph e of subdivision 6 of section
40 11-0103 of the environmental conservation law, as amended by chapter 10
41 of the laws of 2005, is amended to read as follows:

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

46 S 8. Paragraph f of subdivision 9 of section 11-0917 of the environ-
47 mental conservation law, as amended by chapter 432 of the laws of 1997,
48 is amended to read as follows:

49 f. No live wolf, coyote, coydog, fox, skunk, venomous reptile or
50 raccoon shall be possessed or transported, except under a license or
51 permit issued by the department. Every such license or permit shall
52 contain a prominent notice thereon warning the licensee or permittee of
53 his or her duty to exercise due care in safeguarding the public from
54 attack by such wild animal or venomous reptile and that failure to do so
55 is a crime under section [three hundred seventy of the agriculture and
56 markets] 236.25 OF THE PENAL law. The provisions of the opening para-

1 graph of section [three hundred seventy of the agriculture and markets]
2 236.25 OF THE PENAL law except the last sentence thereof shall be set
3 forth on such license or permit immediately following such warning
4 notice.

5 S 9. Subdivision 6 of section 399-aa of the general business law, as
6 added by chapter 573 of the laws of 2002, is amended to read as follows:

7 6. (a) No provision of this section shall be construed to prohibit or
8 interfere with any properly conducted scientific tests, experiments or
9 investigations involving the use of dog or cat fur or flesh, performed
10 or conducted in laboratories or institutions, which are approved for
11 these purposes by the state commissioner of health in accordance with
12 section [three hundred fifty-three of the agriculture and markets]
13 236.02 OF THE PENAL law.

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

23 S 10. Section 750-t of the general business law, as added by chapter
24 526 of the laws of 1992, is amended to read as follows:

25 S 750-t. Disposal in compliance with forms. A pet cemetery owner shall
26 dispose of a pet in compliance with a pet disposal form completed by a
27 pet owner or veterinarian. If such pet is disposed of, either by indi-
28 vidual cremation or individual burial, the pet cemetery owner shall
29 within ten days of such disposal send or give a written confirmation of
30 such disposal to the pet owner or veterinarian, depending on
31 instructions in pet disposal form, and, shall attest to the method,
32 date, and place of disposal. If a pet is disposed of either through mass
33 cremation or mass burial, no written confirmation shall be required.
34 Copies of all forms shall be retained for a period of two years after
35 receipt. All pet remains shall be buried at least twelve inches below
36 the surface of the ground or in accordance with section [three hundred
37 seventy-seven of the agriculture and markets] 236.32 OF THE PENAL law in
38 the case of a large domestic animal or otherwise disposed of in a sani-
39 tary manner.

40 S 11. Subdivision 1 of section 352.3 of the family court act, as
41 amended by chapter 532 of the laws of 2008, is amended to read as
42 follows:

43 (1) Upon the issuance of an order pursuant to section 315.3 or the
44 entry of an order of disposition pursuant to section 352.2, a court may
45 enter an order of protection against any respondent for good cause
46 shown. The order may require that the respondent: (a) stay away from the
47 home, school, business or place of employment of the victims of the
48 alleged offense; or (b) refrain from harassing, intimidating, threaten-
49 ing or otherwise interfering with the victim or victims of the alleged
50 offense and such members of the family or household of such victim or
51 victims as shall be specifically named by the court in such order; or
52 (c) refrain from intentionally injuring or killing, without justifica-
53 tion, any companion animal the respondent knows to be owned, possessed,
54 leased, kept or held by the person protected by the order or a minor
55 child residing in such person's household. "Companion animal", as used
56 in this subdivision, shall have the same meaning as in subdivision five

1 of section [three hundred fifty of the agriculture and markets] 236.00
2 OF THE PENAL law.

3 S 12. Paragraph 2 of subdivision (h) of section 446 of the family
4 court act, as added by chapter 253 of the laws of 2006, is amended to
5 read as follows:

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

9 S 13. Paragraph 2 of subdivision (i) of section 551 of the family
10 court act, as added by chapter 253 of the laws of 2006, is amended to
11 read as follows:

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

15 S 14. Paragraph 2 of subdivision (i) of section 656 of the family
16 court act, as added by chapter 253 of the laws of 2006, is amended to
17 read as follows:

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

21 S 15. Paragraph 2 of subdivision (h) of section 759 of the family
22 court act, as added by chapter 253 of the laws of 2006, is amended to
23 read as follows:

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

27 S 16. Paragraph 2 of subdivision (i) of section 842 of the family
28 court act, as added by chapter 253 of the laws of 2006, is amended to
29 read as follows:

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

33 S 17. Paragraph 2 of subdivision (g) of section 1056 of the family
34 court act, as added by chapter 253 of the laws of 2006, is amended to
35 read as follows:

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

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

42 d. Notwithstanding the provisions of subdivisions b and c of this
43 section, any driver of a horse drawn cab found guilty of one violation
44 of subdivision d of section 20-381.1 of the code or sections [three
45 hundred fifty-one, three hundred fifty-three, three hundred fifty-five
46 through three hundred sixty-two or three hundred sixty-nine of the New
47 York state agriculture and markets] 236.01, 236.02, 236.07, 236.08,
48 236.09, 236.10, 236.11, 236.12, 236.13, 236.14, 236.15, 236.16, OR
49 236.24 OF THE PENAL law or who is found guilty of a violation of this
50 subchapter while his or her license is suspended, shall have his or her
51 license revoked. A driver whose license has been revoked in accordance
52 with this provision may not apply for a new license for five years from
53 the date of revocation.

54 S 19. Section 80 of the agriculture and markets law, as amended by
55 chapter 680 of the laws of 1967, is amended to read as follows:

1 S 80. Certificate to healthy herds. For the purpose of giving recog-
2 nition to other than segregated herds which are certified to him, after
3 competent examination satisfactory to him, to be in a healthy condition,
4 the commissioner is hereby authorized to issue such certificates as he
5 may deem proper to the owner of such herd; to use such terms to desig-
6 nate such herds as will harmonize with federal designations of such
7 herds and to adopt such rules as he may deem proper for the tagging,
8 branding or marking of any animal or animals affected or believed to be
9 affected with any communicable disease, or exposed thereto. In the event
10 that such animals are branded it shall not be construed as cruelty to
11 animals within the meaning of article [twenty-six of this chapter] TWO
12 HUNDRED THIRTY-SIX OF THE PENAL LAW.

13 S 20. Subdivision 3 of section 404 of the agriculture and markets law,
14 as added by chapter 259 of the laws of 2000, is amended to read as
15 follows:

16 3. Violation of any provision of this article or conviction of a
17 violation of any provision of article [twenty-six of this chapter] TWO
18 HUNDRED THIRTY-SIX OF THE PENAL LAW or regulations promulgated there-
19 under pertaining to humane treatment of animals, cruelty to animals,
20 endangering the life or health of an animal, or violation of any feder-
21 al, state, or local law pertaining to the care, treatment, sale,
22 possession, or handling of animals or any regulation or rule promulgated
23 pursuant thereto relating to the endangerment of the life or health of
24 an animal.

25 S 21. Section 407 of the agriculture and markets law, as added by
26 chapter 259 of the laws of 2000, is amended to read as follows:

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

33 S 22. Subdivisions 56, 68 and 79 of section 2.10 of the criminal
34 procedure law, subdivision 56 as added by chapter 188 of the laws of
35 1989, subdivision 68 as added by chapter 227 of the laws of 2000, and
36 subdivision 79 as added by chapter 752 of the laws of 2004, are amended
37 to read as follows:

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

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

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

11 S 23. Paragraph (i) of subdivision 1 of section 750-h of the general
12 business law, as added by chapter 526 of the laws of 1992, is amended to
13 read as follows:

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

17 S 24. Section 753-d of the general business law, as added by chapter
18 259 of the laws of 2000, is amended to read as follows:

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

25 S 25. This act shall take effect immediately.