

9912

I N   A S S E M B L Y

February 11, 2010

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

AN ACT to amend the agriculture and markets law, in relation to limiting the ownership or possession of companion animals by persons convicted of violating "Buster's Law"; and in relation to horses

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

1     Section 1. Section 353-a of the agriculture and markets law is amended  
2 by adding a new subdivision 4 to read as follows:

3     4. ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, NO PERSON WHO  
4 IS CONVICTED OF A VIOLATION OF THIS SECTION SHALL OWN OR POSSESS A  
5 COMPANION ANIMAL UNLESS AND UNTIL AUTHORIZED BY A COURT ORDER ISSUED BY  
6 A COUNTY COURT JUDGE OF HIS OR HER COUNTY OF RESIDENCE. NO SUCH ORDER  
7 SHALL BE ISSUED UNTIL SUCH CONVICTED PERSON FIRST DEMONSTRATES TO THE  
8 COURT THAT HE OR SHE HAS UNDERGONE PSYCHIATRIC OR PSYCHOLOGICAL TESTING,  
9 THE RESULTS OF WHICH INDICATE BY CLEAR AND CONVINCING EVIDENCE OF HIS OR  
10 HER CAPABLE AND SOUND MENTAL CAPACITY AND ABILITY TO OWN AND PROPERLY  
11 CARE FOR SUCH AN ANIMAL IN A HUMANE MANNER.

12     S 2. Subdivision 4 of section 350 of the agriculture and markets law,  
13 as added by chapter 569 of the laws of 1995, is amended to read as  
14 follows:

15     4. "Farm animal", as used in this article, means any ungulate, poultry,  
16 species of cattle, sheep, swine, goats, llamas[, horses] or fur-bearing  
17 animals, as defined in section 11-1907 of the environmental conservation  
18 law, which are raised for commercial or subsistence purposes. Fur-bearing  
19 animal shall not include dogs or cats.

20     S 3. Section 350 of the agriculture and markets law is amended by  
21 adding a new subdivision 6 to read as follows:

22     6. "EQUINE COMPANION", AS USED IN THIS ARTICLE, MEANS ANY HORSE SO  
23 USED FOR RECREATIONAL PURSUITS, INCLUDING BUT NOT LIMITED TO: RACING,  
24 JUMPING, SHOWING, REHABILITATIVE PURPOSES OR OTHERWISE TREATED IN AN  
25 OPEN AND KNOWN FASHION AS A "COMPANION ANIMAL" OR "PET" AS DEFINED IN  
26 SUBDIVISION FIVE OF THIS SECTION.

27     S 4. This act shall take effect on the thirtieth day after it shall  
28 have become a law.

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

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