

2755

2009-2010 Regular Sessions

I N S E N A T E

March 2, 2009

Introduced by Sen. C. JOHNSON -- read twice and ordered printed, and when printed to be committed to the Committee on Consumer Protection

AN ACT to amend the agriculture and markets law and the penal law, in relation to the creation, sale or possession of images of animal cruelty

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

- 1 Section 1. The agriculture and markets law is amended by adding eight
2 new sections 353-e, 353-f, 353-g, 353-h, 353-i, 353-j, 353-k and 353-l
3 to read as follows:
- 4 S 353-E. CREATION OF IMAGES DEPICTING ANIMAL CRUELTY IN THE THIRD
5 DEGREE. 1. A PERSON IS GUILTY OF CREATION OF IMAGES DEPICTING ANIMAL
6 CRUELTY IN THE THIRD DEGREE WHEN HE OR SHE KNOWINGLY CREATES AN IMAGE
7 DEPICTING ANIMAL CRUELTY.
- 8 2. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO ANY DEPICTION THAT
9 HAS SERIOUS RELIGIOUS, POLITICAL, SCIENTIFIC, EDUCATIONAL, JOURNALISTIC,
10 HISTORICAL, OR ARTISTIC VALUE.
- 11 3. FOR PURPOSES OF THIS SECTION, THE TERM "IMAGE DEPICTING ANIMAL
12 CRUELTY" MEANS ANY VISUAL OR AUDITORY DEPICTION, INCLUDING ANY PHOTO-
13 GRAPH, MOTION-PICTURE FILM, VIDEO RECORDING, ELECTRONIC IMAGE, OR SOUND
14 RECORDING OF CONDUCT IN WHICH A LIVING ANIMAL IS INTENTIONALLY MAIMED,
15 MUTILATED, TORTURED, WOUNDED, OR KILLED, IF SUCH CONDUCT IS ILLEGAL
16 UNDER FEDERAL LAW OR THE LAWS OF THIS STATE.
- 17 4. CREATION OF IMAGES DEPICTING ANIMAL CRUELTY IN THE THIRD DEGREE IS
18 A CLASS A MISDEMEANOR.
- 19 S 353-F. CREATION OF IMAGES DEPICTING ANIMAL CRUELTY IN THE SECOND
20 DEGREE. 1. A PERSON IS GUILTY OF CREATION OF IMAGES DEPICTING ANIMAL
21 CRUELTY IN THE SECOND DEGREE WHEN HE OR SHE KNOWINGLY CREATES AN IMAGE
22 DEPICTING ANIMAL CRUELTY AND INTENDS TO SELL OR DISTRIBUTE SUCH IMAGE.

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

LBD03534-01-9

1 2. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO ANY DEPICTION THAT
2 HAS SERIOUS RELIGIOUS, POLITICAL, SCIENTIFIC, EDUCATIONAL, JOURNALISTIC,
3 HISTORICAL, OR ARTISTIC VALUE.

4 3. FOR PURPOSES OF THIS SECTION, THE TERM "IMAGE DEPICTING ANIMAL
5 CRUELTY" MEANS ANY VISUAL OR AUDITORY DEPICTION, INCLUDING ANY PHOTO-
6 GRAPH, MOTION-PICTURE FILM, VIDEO RECORDING, ELECTRONIC IMAGE, OR SOUND
7 RECORDING OF CONDUCT IN WHICH A LIVING ANIMAL IS INTENTIONALLY MAIMED,
8 MUTILATED, TORTURED, WOUNDED, OR KILLED, IF SUCH CONDUCT IS ILLEGAL
9 UNDER FEDERAL LAW OR THE LAWS OF THIS STATE.

10 4. CREATION OF IMAGES DEPICTING ANIMAL CRUELTY IN THE SECOND DEGREE IS
11 A CLASS E FELONY.

12 S 353-G. CREATION OF IMAGES DEPICTING ANIMAL CRUELTY IN THE FIRST
13 DEGREE. 1. A PERSON IS GUILTY OF CREATION OF IMAGES DEPICTING ANIMAL
14 CRUELTY IN THE FIRST DEGREE WHEN:

15 A. HE OR SHE KNOWINGLY CREATES AN IMAGE DEPICTING ANIMAL CRUELTY AND
16 INTENDS TO SELL OR DISTRIBUTE SUCH IMAGE; AND

17 B. HE OR SHE HAS PREVIOUSLY BEEN CONVICTED OF THE CRIME OF CREATION OF
18 IMAGES DEPICTING ANIMAL CRUELTY IN THE SECOND DEGREE.

19 2. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO ANY DEPICTION THAT
20 HAS SERIOUS RELIGIOUS, POLITICAL, SCIENTIFIC, EDUCATIONAL, JOURNALISTIC,
21 HISTORICAL, OR ARTISTIC VALUE.

22 3. FOR PURPOSES OF THIS SECTION, THE TERM "IMAGE DEPICTING ANIMAL
23 CRUELTY" MEANS ANY VISUAL OR AUDITORY DEPICTION, INCLUDING ANY PHOTO-
24 GRAPH, MOTION-PICTURE FILM, VIDEO RECORDING, ELECTRONIC IMAGE, OR SOUND
25 RECORDING OF CONDUCT IN WHICH A LIVING ANIMAL IS INTENTIONALLY MAIMED,
26 MUTILATED, TORTURED, WOUNDED, OR KILLED, IF SUCH CONDUCT IS ILLEGAL
27 UNDER FEDERAL LAW OR THE LAWS OF THIS STATE.

28 4. CREATION OF IMAGES DEPICTING ANIMAL CRUELTY IN THE FIRST DEGREE IS
29 A CLASS D FELONY.

30 S 353-H. POSSESSION OF IMAGES DEPICTING ANIMAL CRUELTY IN THE THIRD
31 DEGREE. 1. A PERSON IS GUILTY OF POSSESSION OF IMAGES DEPICTING ANIMAL
32 CRUELTY IN THE THIRD DEGREE WHEN HE OR SHE KNOWINGLY POSSESSES AN IMAGE
33 DEPICTING ANIMAL CRUELTY.

34 2. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO ANY DEPICTION THAT
35 HAS SERIOUS RELIGIOUS, POLITICAL, SCIENTIFIC, EDUCATIONAL, JOURNALISTIC,
36 HISTORICAL, OR ARTISTIC VALUE.

37 3. FOR PURPOSES OF THIS SECTION, THE TERM "IMAGE DEPICTING ANIMAL
38 CRUELTY" MEANS ANY VISUAL OR AUDITORY DEPICTION, INCLUDING ANY PHOTO-
39 GRAPH, MOTION-PICTURE FILM, VIDEO RECORDING, ELECTRONIC IMAGE, OR SOUND
40 RECORDING OF CONDUCT IN WHICH A LIVING ANIMAL IS INTENTIONALLY MAIMED,
41 MUTILATED, TORTURED, WOUNDED, OR KILLED, IF SUCH CONDUCT IS ILLEGAL
42 UNDER FEDERAL LAW OR THE LAWS OF THIS STATE.

43 4. POSSESSION OF IMAGES DEPICTING ANIMAL CRUELTY IN THE THIRD DEGREE
44 IS A CLASS A MISDEMEANOR.

45 S 353-I. POSSESSION OF IMAGES DEPICTING ANIMAL CRUELTY IN THE SECOND
46 DEGREE. 1. A PERSON IS GUILTY OF POSSESSION OF IMAGES DEPICTING ANIMAL
47 CRUELTY IN THE SECOND DEGREE WHEN HE OR SHE KNOWINGLY POSSESSES AN IMAGE
48 DEPICTING ANIMAL CRUELTY AND INTENDS TO SELL OR DISTRIBUTE SUCH IMAGE.

49 2. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO ANY DEPICTION THAT
50 HAS SERIOUS RELIGIOUS, POLITICAL, SCIENTIFIC, EDUCATIONAL, JOURNALISTIC,
51 HISTORICAL, OR ARTISTIC VALUE.

52 3. FOR PURPOSES OF THIS SECTION, THE TERM "IMAGE DEPICTING ANIMAL
53 CRUELTY" MEANS ANY VISUAL OR AUDITORY DEPICTION, INCLUDING ANY PHOTO-
54 GRAPH, MOTION-PICTURE FILM, VIDEO RECORDING, ELECTRONIC IMAGE, OR SOUND
55 RECORDING OF CONDUCT IN WHICH A LIVING ANIMAL IS INTENTIONALLY MAIMED,

1 MUTILATED, TORTURED, WOUNDED, OR KILLED, IF SUCH CONDUCT IS ILLEGAL
2 UNDER FEDERAL LAW OR THE LAWS OF THIS STATE.

3 4. POSSESSION OF IMAGES DEPICTING ANIMAL CRUELTY IN THE SECOND DEGREE
4 IS A CLASS E FELONY.

5 S 353-J. POSSESSION OF IMAGES DEPICTING ANIMAL CRUELTY IN THE FIRST
6 DEGREE. 1. A PERSON IS GUILTY OF POSSESSION OF IMAGES DEPICTING ANIMAL
7 CRUELTY IN THE FIRST DEGREE WHEN:

8 A. HE OR SHE KNOWINGLY POSSESSES AN IMAGE DEPICTING ANIMAL CRUELTY;
9 AND

10 B. HE OR SHE HAS PREVIOUSLY BEEN CONVICTED OF THE CRIME OF POSSESSION
11 OF IMAGES DEPICTING ANIMAL CRUELTY IN THE SECOND DEGREE.

12 2. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO ANY DEPICTION THAT
13 HAS SERIOUS RELIGIOUS, POLITICAL, SCIENTIFIC, EDUCATIONAL, JOURNALISTIC,
14 HISTORICAL, OR ARTISTIC VALUE.

15 3. FOR PURPOSES OF THIS SECTION, THE TERM "IMAGE DEPICTING ANIMAL
16 CRUELTY" MEANS ANY VISUAL OR AUDITORY DEPICTION, INCLUDING ANY PHOTO-
17 GRAPH, MOTION-PICTURE FILM, VIDEO RECORDING, ELECTRONIC IMAGE, OR SOUND
18 RECORDING OF CONDUCT IN WHICH A LIVING ANIMAL IS INTENTIONALLY MAIMED,
19 MUTILATED, TORTURED, WOUNDED, OR KILLED, IF SUCH CONDUCT IS ILLEGAL
20 UNDER FEDERAL LAW OR THE LAWS OF THIS STATE.

21 4. POSSESSION OF IMAGES DEPICTING ANIMAL CRUELTY IN THE FIRST DEGREE
22 IS A CLASS D FELONY.

23 S 353-K. SALE OF IMAGES DEPICTING ANIMAL CRUELTY IN THE SECOND DEGREE.

24 1. A PERSON IS GUILTY OF SALE OF IMAGES DEPICTING ANIMAL CRUELTY IN THE
25 SECOND DEGREE WHEN HE OR SHE KNOWINGLY SELLS AN IMAGE DEPICTING ANIMAL
26 CRUELTY TO ANOTHER PERSON OR ENTITY.

27 2. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO ANY DEPICTION THAT
28 HAS SERIOUS RELIGIOUS, POLITICAL, SCIENTIFIC, EDUCATIONAL, JOURNALISTIC,
29 HISTORICAL, OR ARTISTIC VALUE.

30 3. FOR PURPOSES OF THIS SECTION, THE TERM "IMAGE DEPICTING ANIMAL
31 CRUELTY" MEANS ANY VISUAL OR AUDITORY DEPICTION, INCLUDING ANY PHOTO-
32 GRAPH, MOTION-PICTURE FILM, VIDEO RECORDING, ELECTRONIC IMAGE, OR SOUND
33 RECORDING OF CONDUCT IN WHICH A LIVING ANIMAL IS INTENTIONALLY MAIMED,
34 MUTILATED, TORTURED, WOUNDED, OR KILLED, IF SUCH CONDUCT IS ILLEGAL
35 UNDER FEDERAL LAW OR THE LAWS OF THIS STATE.

36 4. SALE OF IMAGES DEPICTING ANIMAL CRUELTY IN THE SECOND DEGREE IS A
37 CLASS E FELONY.

38 S 353-L. SALE OF IMAGES DEPICTING ANIMAL CRUELTY IN THE FIRST DEGREE.

39 1. A PERSON IS GUILTY OF SALE OF IMAGES DEPICTING ANIMAL CRUELTY IN THE
40 FIRST DEGREE WHEN:

41 A. HE OR SHE KNOWINGLY SELLS AN IMAGE DEPICTING ANIMAL CRUELTY TO
42 ANOTHER PERSON OR ENTITY; AND

43 B. HE OR SHE HAS PREVIOUSLY BEEN CONVICTED OF THE CRIME OF SALE OF
44 IMAGES DEPICTING ANIMAL CRUELTY IN THE SECOND DEGREE.

45 2. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO ANY DEPICTION THAT
46 HAS SERIOUS RELIGIOUS, POLITICAL, SCIENTIFIC, EDUCATIONAL, JOURNALISTIC,
47 HISTORICAL, OR ARTISTIC VALUE.

48 3. FOR PURPOSES OF THIS SECTION, THE TERM "IMAGE DEPICTING ANIMAL
49 CRUELTY" MEANS ANY VISUAL OR AUDITORY DEPICTION, INCLUDING ANY PHOTO-
50 GRAPH, MOTION-PICTURE FILM, VIDEO RECORDING, ELECTRONIC IMAGE, OR SOUND
51 RECORDING OF CONDUCT IN WHICH A LIVING ANIMAL IS INTENTIONALLY MAIMED,
52 MUTILATED, TORTURED, WOUNDED, OR KILLED, IF SUCH CONDUCT IS ILLEGAL
53 UNDER FEDERAL LAW OR THE LAWS OF THIS STATE.

54 4. SALE OF IMAGES DEPICTING ANIMAL CRUELTY IN THE FIRST DEGREE IS A
55 CLASS D FELONY.

1 S 2. The penal law is amended by adding eight new sections 245.15,
2 245.20, 245.25, 245.30, 245.35, 245.40, 245.45 and 245.50 to read as
3 follows:

4 S 245.15 CREATION OF IMAGES DEPICTING ANIMAL CRUELTY IN THE THIRD
5 DEGREE.

6 1. A PERSON IS GUILTY OF CREATION OF IMAGES DEPICTING ANIMAL CRUELTY
7 IN THE THIRD DEGREE WHEN HE OR SHE KNOWINGLY CREATES AN IMAGE DEPICTING
8 ANIMAL CRUELTY.

9 2. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO ANY DEPICTION THAT
10 HAS SERIOUS RELIGIOUS, POLITICAL, SCIENTIFIC, EDUCATIONAL, JOURNALISTIC,
11 HISTORICAL, OR ARTISTIC VALUE.

12 3. FOR PURPOSES OF THIS SECTION, THE TERM "IMAGE DEPICTING ANIMAL
13 CRUELTY" MEANS ANY VISUAL OR AUDITORY DEPICTION, INCLUDING ANY PHOTO-
14 GRAPH, MOTION-PICTURE FILM, VIDEO RECORDING, ELECTRONIC IMAGE, OR SOUND
15 RECORDING OF CONDUCT IN WHICH A LIVING ANIMAL IS INTENTIONALLY MAIMED,
16 MUTILATED, TORTURED, WOUNDED, OR KILLED, IF SUCH CONDUCT IS ILLEGAL
17 UNDER FEDERAL LAW OR THE LAWS OF THIS STATE.

18 CREATION OF IMAGES DEPICTING ANIMAL CRUELTY IN THE THIRD DEGREE IS A
19 CLASS A MISDEMEANOR.

20 S 245.20 CREATION OF IMAGES DEPICTING ANIMAL CRUELTY IN THE SECOND
21 DEGREE.

22 1. A PERSON IS GUILTY OF CREATION OF IMAGES DEPICTING ANIMAL CRUELTY
23 IN THE SECOND DEGREE WHEN HE OR SHE KNOWINGLY CREATES AN IMAGE DEPICTING
24 ANIMAL CRUELTY AND INTENDS TO SELL OR DISTRIBUTE SUCH IMAGE.

25 2. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO ANY DEPICTION THAT
26 HAS SERIOUS RELIGIOUS, POLITICAL, SCIENTIFIC, EDUCATIONAL, JOURNALISTIC,
27 HISTORICAL, OR ARTISTIC VALUE.

28 3. FOR PURPOSES OF THIS SECTION, THE TERM "IMAGE DEPICTING ANIMAL
29 CRUELTY" MEANS ANY VISUAL OR AUDITORY DEPICTION, INCLUDING ANY PHOTO-
30 GRAPH, MOTION-PICTURE FILM, VIDEO RECORDING, ELECTRONIC IMAGE, OR SOUND
31 RECORDING OF CONDUCT IN WHICH A LIVING ANIMAL IS INTENTIONALLY MAIMED,
32 MUTILATED, TORTURED, WOUNDED, OR KILLED, IF SUCH CONDUCT IS ILLEGAL
33 UNDER FEDERAL LAW OR THE LAWS OF THIS STATE.

34 CREATION OF IMAGES DEPICTING ANIMAL CRUELTY IN THE SECOND DEGREE IS A
35 CLASS E FELONY.

36 S 245.25 CREATION OF IMAGES DEPICTING ANIMAL CRUELTY IN THE FIRST
37 DEGREE.

38 1. A PERSON IS GUILTY OF CREATION OF IMAGES DEPICTING ANIMAL CRUELTY
39 IN THE FIRST DEGREE WHEN:

40 A. HE OR SHE KNOWINGLY CREATES AN IMAGE DEPICTING ANIMAL CRUELTY AND
41 INTENDS TO SELL OR DISTRIBUTE SUCH IMAGE; AND

42 B. HE OR SHE HAS PREVIOUSLY BEEN CONVICTED OF THE CRIME OF CREATION OF
43 IMAGES DEPICTING ANIMAL CRUELTY IN THE SECOND DEGREE.

44 2. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO ANY DEPICTION THAT
45 HAS SERIOUS RELIGIOUS, POLITICAL, SCIENTIFIC, EDUCATIONAL, JOURNALISTIC,
46 HISTORICAL, OR ARTISTIC VALUE.

47 3. FOR PURPOSES OF THIS SECTION, THE TERM "IMAGE DEPICTING ANIMAL
48 CRUELTY" MEANS ANY VISUAL OR AUDITORY DEPICTION, INCLUDING ANY PHOTO-
49 GRAPH, MOTION-PICTURE FILM, VIDEO RECORDING, ELECTRONIC IMAGE, OR SOUND
50 RECORDING OF CONDUCT IN WHICH A LIVING ANIMAL IS INTENTIONALLY MAIMED,
51 MUTILATED, TORTURED, WOUNDED, OR KILLED, IF SUCH CONDUCT IS ILLEGAL
52 UNDER FEDERAL LAW OR THE LAWS OF THIS STATE.

53 CREATION OF IMAGES DEPICTING ANIMAL CRUELTY IN THE FIRST DEGREE IS A
54 CLASS D FELONY.

55 S 245.30 POSSESSION OF IMAGES DEPICTING ANIMAL CRUELTY IN THE THIRD
56 DEGREE.

1 1. A PERSON IS GUILTY OF POSSESSION OF IMAGES DEPICTING ANIMAL CRUELTY
2 IN THE THIRD DEGREE WHEN HE OR SHE KNOWINGLY POSSESSES AN IMAGE DEPICT-
3 ING ANIMAL CRUELTY.

4 2. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO ANY DEPICTION THAT
5 HAS SERIOUS RELIGIOUS, POLITICAL, SCIENTIFIC, EDUCATIONAL, JOURNALISTIC,
6 HISTORICAL, OR ARTISTIC VALUE.

7 3. FOR PURPOSES OF THIS SECTION, THE TERM "IMAGE DEPICTING ANIMAL
8 CRUELTY" MEANS ANY VISUAL OR AUDITORY DEPICTION, INCLUDING ANY PHOTO-
9 GRAPH, MOTION-PICTURE FILM, VIDEO RECORDING, ELECTRONIC IMAGE, OR SOUND
10 RECORDING OF CONDUCT IN WHICH A LIVING ANIMAL IS INTENTIONALLY MAIMED,
11 MUTILATED, TORTURED, WOUNDED, OR KILLED, IF SUCH CONDUCT IS ILLEGAL
12 UNDER FEDERAL LAW OR THE LAWS OF THIS STATE.

13 POSSESSION OF IMAGES DEPICTING ANIMAL CRUELTY IN THE THIRD DEGREE IS A
14 CLASS A MISDEMEANOR.

15 S 245.35 POSSESSION OF IMAGES DEPICTING ANIMAL CRUELTY IN THE SECOND
16 DEGREE.

17 1. A PERSON IS GUILTY OF POSSESSION OF IMAGES DEPICTING ANIMAL CRUELTY
18 IN THE SECOND DEGREE WHEN HE OR SHE KNOWINGLY POSSESSES AN IMAGE DEPICT-
19 ING ANIMAL CRUELTY AND INTENDS TO SELL OR DISTRIBUTE SUCH IMAGE.

20 2. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO ANY DEPICTION THAT
21 HAS SERIOUS RELIGIOUS, POLITICAL, SCIENTIFIC, EDUCATIONAL, JOURNALISTIC,
22 HISTORICAL, OR ARTISTIC VALUE.

23 3. FOR PURPOSES OF THIS SECTION, THE TERM "IMAGE DEPICTING ANIMAL
24 CRUELTY" MEANS ANY VISUAL OR AUDITORY DEPICTION, INCLUDING ANY PHOTO-
25 GRAPH, MOTION-PICTURE FILM, VIDEO RECORDING, ELECTRONIC IMAGE, OR SOUND
26 RECORDING OF CONDUCT IN WHICH A LIVING ANIMAL IS INTENTIONALLY MAIMED,
27 MUTILATED, TORTURED, WOUNDED, OR KILLED, IF SUCH CONDUCT IS ILLEGAL
28 UNDER FEDERAL LAW OR THE LAWS OF THIS STATE.

29 POSSESSION OF IMAGES DEPICTING ANIMAL CRUELTY IN THE SECOND DEGREE IS
30 A CLASS E FELONY.

31 S 245.40 POSSESSION OF IMAGES DEPICTING ANIMAL CRUELTY IN THE FIRST
32 DEGREE.

33 1. A PERSON IS GUILTY OF POSSESSION OF IMAGES DEPICTING ANIMAL CRUELTY
34 IN THE FIRST DEGREE WHEN:

35 A. HE OR SHE KNOWINGLY POSSESSES AN IMAGE DEPICTING ANIMAL CRUELTY;
36 AND

37 B. HE OR SHE HAS PREVIOUSLY BEEN CONVICTED OF THE CRIME OF POSSESSION
38 OF IMAGES DEPICTING ANIMAL CRUELTY IN THE SECOND DEGREE.

39 2. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO ANY DEPICTION THAT
40 HAS SERIOUS RELIGIOUS, POLITICAL, SCIENTIFIC, EDUCATIONAL, JOURNALISTIC,
41 HISTORICAL, OR ARTISTIC VALUE.

42 3. FOR PURPOSES OF THIS SECTION, THE TERM "IMAGE DEPICTING ANIMAL
43 CRUELTY" MEANS ANY VISUAL OR AUDITORY DEPICTION, INCLUDING ANY PHOTO-
44 GRAPH, MOTION-PICTURE FILM, VIDEO RECORDING, ELECTRONIC IMAGE, OR SOUND
45 RECORDING OF CONDUCT IN WHICH A LIVING ANIMAL IS INTENTIONALLY MAIMED,
46 MUTILATED, TORTURED, WOUNDED, OR KILLED, IF SUCH CONDUCT IS ILLEGAL
47 UNDER FEDERAL LAW OR THE LAWS OF THIS STATE.

48 POSSESSION OF IMAGES DEPICTING ANIMAL CRUELTY IN THE FIRST DEGREE IS A
49 CLASS D FELONY.

50 S 245.45 SALE OF IMAGES DEPICTING ANIMAL CRUELTY IN THE SECOND DEGREE.

51 1. A PERSON IS GUILTY OF SALE OF IMAGES DEPICTING ANIMAL CRUELTY IN
52 THE SECOND DEGREE WHEN HE OR SHE KNOWINGLY SELLS AN IMAGE DEPICTING
53 ANIMAL CRUELTY TO ANOTHER PERSON OR ENTITY.

54 2. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO ANY DEPICTION THAT
55 HAS SERIOUS RELIGIOUS, POLITICAL, SCIENTIFIC, EDUCATIONAL, JOURNALISTIC,
56 HISTORICAL, OR ARTISTIC VALUE.

1 3. FOR PURPOSES OF THIS SECTION, THE TERM "IMAGE DEPICTING ANIMAL
2 CRUELTY" MEANS ANY VISUAL OR AUDITORY DEPICTION, INCLUDING ANY PHOTO-
3 GRAPH, MOTION-PICTURE FILM, VIDEO RECORDING, ELECTRONIC IMAGE, OR SOUND
4 RECORDING OF CONDUCT IN WHICH A LIVING ANIMAL IS INTENTIONALLY MAIMED,
5 MUTILATED, TORTURED, WOUNDED, OR KILLED, IF SUCH CONDUCT IS ILLEGAL
6 UNDER FEDERAL LAW OR THE LAWS OF THIS STATE.

7 SALE OF IMAGES DEPICTING ANIMAL CRUELTY IN THE SECOND DEGREE IS A
8 CLASS E FELONY.

9 S 245.50 SALE OF IMAGES DEPICTING ANIMAL CRUELTY IN THE FIRST DEGREE.

10 1. A PERSON IS GUILTY OF SALE OF IMAGES DEPICTING ANIMAL CRUELTY IN
11 THE FIRST DEGREE WHEN:

12 A. HE OR SHE KNOWINGLY SELLS AN IMAGE DEPICTING ANIMAL CRUELTY TO
13 ANOTHER PERSON OR ENTITY; AND

14 B. HE OR SHE HAS PREVIOUSLY BEEN CONVICTED OF THE CRIME OF SALE OF
15 IMAGES DEPICTING ANIMAL CRUELTY IN THE SECOND DEGREE.

16 2. THE PROVISIONS OF THIS SECTION DO NOT APPLY TO ANY DEPICTION THAT
17 HAS SERIOUS RELIGIOUS, POLITICAL, SCIENTIFIC, EDUCATIONAL, JOURNALISTIC,
18 HISTORICAL, OR ARTISTIC VALUE.

19 3. FOR PURPOSES OF THIS SECTION, THE TERM "IMAGE DEPICTING ANIMAL
20 CRUELTY" MEANS ANY VISUAL OR AUDITORY DEPICTION, INCLUDING ANY PHOTO-
21 GRAPH, MOTION-PICTURE FILM, VIDEO RECORDING, ELECTRONIC IMAGE, OR SOUND
22 RECORDING OF CONDUCT IN WHICH A LIVING ANIMAL IS INTENTIONALLY MAIMED,
23 MUTILATED, TORTURED, WOUNDED, OR KILLED, IF SUCH CONDUCT IS ILLEGAL
24 UNDER FEDERAL LAW OR THE LAWS OF THIS STATE.

25 SALE OF IMAGES DEPICTING ANIMAL CRUELTY IN THE FIRST DEGREE IS A CLASS
26 D FELONY.

27 S 3. This act shall take effect on the one hundred twentieth day after
28 it shall have become a law.