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

2164

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

Introduced by M. of A. McENENY, ENGLEBRIGHT, EDDINGTON -- Multi-Sponsored by -- M. of A. JOHN, V. LOPEZ, MARKEY -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to abandonment of animals and repealing section 355 of such law relating thereto

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

Section 1. Section 355 of the agriculture and markets law is REPEALED and a new section 355 is added to read as follows:

S 355. ABANDONMENT OF ANIMALS. 1. FOR PURPOSES OF THIS SECTION A PERSON "ABANDONS" AN ANIMAL WHEN HE OR SHE DESERTS OR GIVES UP POSSESSION OF AN ANIMAL IN A PUBLIC OR PRIVATE PLACE, WITHOUT TRANSFERRING OWNERSHIP OR CUSTODY OF SUCH ANIMAL TO ANOTHER WHO VOLUNTARILY ASSUMES SUCH OWNERSHIP OR CUSTODY, AND WITH THE INTENTION OF NOT RECLAIMING THE ANIMAL, OR WHEN HE OR SHE HAS BEEN NOTIFIED OR OTHERWISE KNOWS OF THE LOCATION OF THE ANIMAL IN A PUBLIC PLACE AND FAILS TO RETRIEVE OR TAKE REASONABLE EFFORTS TO RETRIEVE THE ANIMAL.

2. A PERSON WHO OWNS OR HAS POSSESSION OR CUSTODY OF ANY ANIMAL, WHO ABANDONS SUCH ANIMAL, SHALL BE GUILTY OF A CLASS A MISDEMEANOR, PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS, OR BOTH.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.

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

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