

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. MAGNARELLI, MILLMAN, V. LOPEZ, GLICK, TITONE, DelMONTE, BENEDETTO, CUSICK, ROBINSON, EDDINGTON -- Multi-Sponsored by -- M. of A. BING, BOYLAND, COLTON, JAFFEE, KOON, LUPARDO, MAISEL, MARKEY, PHEFFER, J. RIVERA, SWEENEY, TOWNS -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to penalties for cruelty to animals

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

1 Section 1. The two undesignated paragraphs of section 353 of the agri-
2 culture and markets law are designated subdivisions 1 and 2, and subdivi-
3 sion 1, as amended by chapter 523 of the laws of 2005, is amended to
4 read as follows:
5 1. A person who overdrives, overloads, tortures or cruelly beats or
6 unjustifiably injures, maims, mutilates or kills any animal, whether
7 wild or tame, and whether belonging to himself or to another, or
8 deprives any animal of necessary sustenance, food or drink, or neglects
9 or refuses to furnish it such sustenance or drink, or causes, procures
10 or permits any animal to be overdriven, overloaded, tortured, cruelly
11 beaten, or unjustifiably injured, maimed, mutilated or killed, or to be
12 deprived of necessary food or drink, or who wilfully sets on foot,
13 instigates, engages in, or in any way furthers any act of cruelty to any
14 animal, or any act tending to produce such cruelty[,]: (A) IF FOUND TO
15 DO SO WITH NEGLIGENCE OR RECKLESSNESS, is guilty of a class A misdemea-
16 nor and for purposes of paragraph (b) of subdivision one of section
17 160.10 of the criminal procedure law, shall be treated as a misdemeanor
18 defined in the penal law; OR (B) IF FOUND TO DO SO INTENTIONALLY, IS
19 GUILTY OF A CLASS E FELONY AS DEFINED IN THE PENAL LAW.

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

LBD00545-01-9

1 S 2. Subdivision 3 of section 353-a of the agriculture and markets
2 law, as added by chapter 118 of the laws of 1999, is amended to read as
3 follows:
4 3. Aggravated cruelty to animals is a felony. A defendant convicted of
5 this offense shall be [sentenced pursuant to paragraph (b) of subdivi-
6 sion one of section 55.10 of the penal law provided, however, that any
7 term of imprisonment imposed for violation of this section shall be a
8 definite sentence, which may not exceed two years] CONVICTED OF A CLASS
9 D FELONY AS DEFINED IN THE PENAL LAW.
10 S 3. This act shall take effect on the first of November next succeed-
11 ing the date on which it shall have become a law.