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

7232

2009-2010 Regular Sessions

I N A S S E M B L Y

March 26, 2009

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

AN ACT to amend the agriculture and markets law, in relation to animal fighting

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

Section 1. Section 371 of the agriculture and markets law, as amended by chapter 573 of the laws of 1978, is amended to read as follows:

S 371. Powers of peace officers. A constable or police officer must, and any agent or officer of any duly incorporated society for the prevention of cruelty to animals may issue an appearance ticket pursuant to section 150.20 of the criminal procedure law, summon or arrest, and bring before a court or magistrate having jurisdiction, any person offending against any of the provisions of THIS article [twenty-six of the agriculture and markets law]. Any officer or agent of any of said societies may lawfully interfere to prevent the perpetration of any act of cruelty upon any animal in his presence. Any of said societies may prefer a complaint before any court, tribunal or magistrate having jurisdiction, for the violation of any law relating to or affecting animals and may aid in presenting the law and facts before such court, tribunal or magistrate in any proceeding taken. THE PEACE OFFICERS AND AGENTS REFERRED TO ABOVE, SHALL HAVE ALL THE POWERS OF A PEACE OFFICER AS DEFINED AND ENUMERATED IN SECTIONS 2.10 AND 2.20 OF THE CRIMINAL PROCEDURE LAW, INCLUDING BUT NOT LIMITED TO ACCESS TO DATABASES AVAILABLE TO ALL OTHER LAW ENFORCEMENT AGENCIES.

S 2. Subdivision 4 of section 351 of the agriculture and markets law, as added by chapter 150 of the laws of 1984, is amended to read as follows:

4. (a) Any person who engages in conduct specified in paragraph (b) [hereof] OR (C) OF THIS SUBDIVISION is guilty of a misdemeanor and is punishable by imprisonment for a period not to exceed one year, or by a

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

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fine not to exceed one thousand dollars, or by both such fine and imprisonment.

(b) The knowing presence as a spectator having paid an admission fee or having made a wager at any place where an exhibition of animal fighting is being conducted.

(C) OWNS, POSSESSES OR KEEPS A BREAK STICK OR ANY OTHER PARAPHERNALIA COMMONLY USED IN FIGHTING BETWEEN DOGS AS PROHIBITED BY THIS SECTION.

S 3. This act shall take effect immediately.