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

8444

2009-2010 Regular Sessions

I N A S S E M B L Y

May 20, 2009

Introduced by M. of A. TEDISCO, CONTE, CALHOUN, THIELE, O'MARA, AMEDORE -- Multi-Sponsored by -- M. of A. ALFANO, BACALLES, BALL, BARCLAY, BURLING, CROUCH, DUPREY, ERRIGO, FINCH, GIGLIO, HAYES, KOLB, McDONOUGH, McKEVITT, MOLINARO, OAKS, RAIA, SALADINO, SCOZZAFAVA, TOBACCO, TOWNSEND -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to increasing certain penalties for violating the prohibition of animal fighting and for aggravated cruelty to animals

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

Section 1. The opening paragraph of subdivision 2 of section 351 of the agriculture and markets law, as amended by chapter 190 of the laws of 2004, is amended to read as follows:

Any person who engages in any of the following conduct is guilty of a felony punishable by imprisonment for a period not to exceed [four] SIX years, or by a fine not to exceed [twenty-five] THIRTY thousand dollars, or by both such fine and imprisonment:

S 2. Paragraph (a) of subdivision 3 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:

(a) Any person who engages in conduct specified in paragraph (b) of this subdivision is guilty of a [misdemeanor] FELONY and is punishable by imprisonment for a period not to exceed [one year] FOUR YEARS, or by a fine not to exceed [fifteen] TWENTY thousand dollars, or by both such fine and imprisonment.

S 3. Paragraph (a) of 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:

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

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

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YEARS, or by a fine not to exceed [one] TEN thousand dollars, or by both such fine and imprisonment.

S 4. Subdivision 3 of section 353-a of the agriculture and markets law, as added by chapter 118 of the laws of 1999, is amended to read as follows:

3. Aggravated cruelty to animals is a felony. A defendant convicted of this offense shall be sentenced [pursuant to paragraph (b) of subdivision one of section 55.10 of the penal law provided, however, that any term of imprisonment imposed for violation of this section shall be a definite sentence, which may not exceed two years] TO A PERIOD OF IMPRISONMENT NOT TO EXCEED FOUR YEARS, BY A FINE NOT TO EXCEED TEN THOUSAND DOLLARS OR BY BOTH SUCH FINE AND IMPRISONMENT. IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, THE COURT SHALL ORDER ANY DEFENDANT CONVICTED OF THIS OFFENSE, INCLUDING A DEFENDANT WHO HAS BEEN ADJUDICATED A YOUTHFUL OFFENDER, TO UNDERGO A PSYCHIATRIC EVALUATION BY A QUALIFIED MENTAL HEALTH PROFESSIONAL AND MAY REQUIRE THAT SUCH PERSON, AT HIS OR HER OWN EXPENSE, ENTER AND COMPLETE ANY TREATMENT OR PROGRAM DEEMED NECESSARY TO TREAT ANY MENTAL DISEASE, MENTAL DEFECT OR MENTAL CONDITION, WHICH MAY HAVE CAUSED OR CONTRIBUTED TO SUCH OFFENSE.

S 5. This act shall take effect immediately.