

9429

I N A S S E M B L Y

(PREFILED)

January 6, 2010

Introduced by M. of A. LENTOL -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to theft of a companion animal or pet

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

1 Section 1. The penal law is amended by adding three new sections
2 165.75, 165.76 and 165.77 to read as follows:

3 S 165.75 DEFINITIONS.

4 AS USED IN SECTIONS 165.76 AND 165.77 OF THIS ARTICLE, THE FOLLOWING
5 TERMS HAVE THE FOLLOWING DEFINITIONS:

6 1. THE TERM "COMPANION ANIMAL" OR "PET" IS DEFINED AS A DOG, CAT, OR
7 ANY OTHER DOMESTICATED ANIMAL NORMALLY MAINTAINED IN OR NEAR THE HOUSE-
8 HOLD OF THE OWNER OR PERSON WHO CARES FOR SUCH DOMESTICATED ANIMAL.
9 "PET" OR "COMPANION ANIMAL" SHALL NOT INCLUDE A "FARM ANIMAL" AS DEFINED
10 IN SUBDIVISION FOUR OF SECTION THREE HUNDRED FIFTY OF THE AGRICULTURE
11 AND MARKETS LAW.

12 2. THE TERM "AGGRAVATED CRUELTY" SHALL MEAN CONDUCT WHICH:

13 A. IS INTENDED TO CAUSE EXTREME PHYSICAL PAIN; OR

14 B. IS DONE OR CARRIED OUT IN AN ESPECIALLY DEPRAVED OR SADISTIC
15 MANNER.

16 S 165.76 PET THEFT IN THE SECOND DEGREE.

17 1. A PERSON IS GUILTY OF PET THEFT IN THE SECOND DEGREE WHEN HE STEALS
18 A COMPANION ANIMAL OR PET.

19 2. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT OR
20 INTERFERE IN ANY WAY WITH ANYONE LAWFULLY ENGAGED IN HUNTING, TRAPPING,
21 OR FISHING, AS PROVIDED IN ARTICLE ELEVEN OF THE ENVIRONMENTAL CONSERVA-
22 TION LAW, THE DISPATCH OF RABID OR DISEASED ANIMALS, AS PROVIDED IN
23 ARTICLE TWENTY-ONE OF THE PUBLIC HEALTH LAW, OR THE DISPATCH OF ANIMALS
24 POSING A THREAT TO HUMAN SAFETY OR OTHER ANIMALS, WHERE SUCH ACTION IS
25 OTHERWISE LEGALLY AUTHORIZED, OR ANY PROPERLY CONDUCTED SCIENTIFIC
26 TESTS, EXPERIMENTS, OR INVESTIGATIONS INVOLVING THE USE OF LIVING
27 ANIMALS, PERFORMED OR CONDUCTED IN LABORATORIES OR INSTITUTIONS APPROVED

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

LBD15006-01-9

1 FOR SUCH PURPOSES BY THE COMMISSIONER OF HEALTH PURSUANT TO SECTION
2 THREE HUNDRED FIFTY-THREE OF THE AGRICULTURE AND MARKETS LAW.

3 PET THEFT IN THE SECOND DEGREE IS A CLASS E FELONY.

4 S 165.77 PET THEFT IN THE FIRST DEGREE.

5 1. A PERSON IS GUILTY OF PET THEFT IN THE FIRST DEGREE WHEN HE COMMITS
6 PET THEFT IN THE SECOND DEGREE, AND WHEN:

7 A. SUCH ANIMAL IS SOLD FOR SCIENTIFIC RESEARCH PURPOSES; OR

8 B. WITH NO JUSTIFIABLE PURPOSE, HE OR SHE INTENTIONALLY KILLS OR
9 INTENTIONALLY CAUSES SERIOUS PHYSICAL INJURY TO SUCH COMPANION ANIMAL OR
10 PET WITH AGGRAVATED CRUELTY.

11 2. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT OR
12 INTERFERE IN ANY WAY WITH ANYONE LAWFULLY ENGAGED IN HUNTING, TRAPPING,
13 OR FISHING, AS PROVIDED IN ARTICLE ELEVEN OF THE ENVIRONMENTAL CONSERVA-
14 TION LAW, THE DISPATCH OF RABID OR DISEASED ANIMALS, AS PROVIDED IN
15 ARTICLE TWENTY-ONE OF THE PUBLIC HEALTH LAW, OR THE DISPATCH OF ANIMALS
16 POSING A THREAT TO HUMAN SAFETY OR OTHER ANIMALS, WHERE SUCH ACTION IS
17 OTHERWISE LEGALLY AUTHORIZED, OR ANY PROPERLY CONDUCTED SCIENTIFIC
18 TESTS, EXPERIMENTS, OR INVESTIGATIONS INVOLVING THE USE OF LIVING
19 ANIMALS, PERFORMED OR CONDUCTED IN LABORATORIES OR INSTITUTIONS APPROVED
20 FOR SUCH PURPOSES BY THE COMMISSIONER OF HEALTH PURSUANT TO SECTION
21 THREE HUNDRED FIFTY-THREE OF THE AGRICULTURE AND MARKETS LAW.

22 PET THEFT IN THE FIRST DEGREE IS A CLASS D FELONY.

23 S 2. This act shall take effect immediately.