

1496

2009-2010 Regular Sessions

I N S E N A T E

February 2, 2009

Introduced by Sens. DeFRANCISCO, ALESI, GOLDEN, GRIFFO, LARKIN, MAZIARZ, MORAHAN, SAMPSON, VOLKER -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to cruelty to ten or more animals

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

1 Section 1. Section 353 of the agriculture and markets law, as amended
2 by chapter 458 of the laws of 1985, the opening paragraph as amended by
3 chapter 523 of the laws of 2005, is amended to read as follows:
4 S 353. Overdriving, torturing and injuring animals; failure to provide
5 proper sustenance. A person who overdrives, overloads, tortures or
6 cruelly beats or unjustifiably injures, maims, mutilates or kills any
7 animal, whether wild or tame, and whether belonging to himself, HERSELF
8 or to another, or deprives any animal of necessary sustenance, food or
9 drink, or neglects or refuses to furnish it such sustenance or drink, or
10 causes, procures or permits any animal to be overdriven, overloaded,
11 tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or
12 killed, or to be deprived of necessary food or drink, or who [wilfully]
13 WILLFULLY sets on foot, instigates, engages in, or in any way furthers
14 any act of cruelty to any animal, or any act tending to produce such
15 cruelty, is guilty of a class A misdemeanor and for purposes of para-
16 graph (b) of subdivision one of section 160.10 of the criminal procedure
17 law, shall be treated as a misdemeanor defined in the penal law;
18 PROVIDED, HOWEVER, THAT ANY PERSON WHO ENGAGES IN ANY SUCH CONDUCT
19 TOWARD TEN OR MORE ANIMALS AS PART OF THE SAME CRIMINAL TRANSACTION, IS
20 GUILTY OF A CLASS E FELONY AS DEFINED IN THE PENAL LAW.
21 Nothing [herein contained] IN THIS SECTION shall be construed to
22 prohibit or interfere with any properly conducted scientific tests,
23 experiments or investigations, involving the use of living animals,
24 performed or conducted in laboratories or institutions, which are

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

LBD02137-01-9

1 approved for these purposes by the [state] commissioner of health. The
2 [state] commissioner of health shall prescribe the rules under which
3 such approvals shall be granted, including therein standards regarding
4 the care and treatment of any such animals. Such rules shall be
5 published and copies thereof conspicuously posted in each such laborato-
6 ry or institution. The [state] commissioner of health or his OR HER duly
7 authorized representative shall have the power to inspect such laborato-
8 ries or institutions to insure compliance with such rules and standards.
9 Each such approval may be revoked at any time for failure to comply with
10 such rules and in any case the approval shall be limited to a period not
11 exceeding one year.

12 S 2. This act shall take effect on the first of November next succeed-
13 ing the date on which it shall have become a law.