

1684

2009-2010 Regular Sessions

I N S E N A T E

February 5, 2009

Introduced by Sens. FLANAGAN, BONACIC, DeFRANCISCO, LARKIN, MORAHAN,
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 increas-
ing the penalty for multiple convictions of torturing or failing to
provide sustenance to an animal

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

1 Section 1. The opening paragraph of section 353 of the agriculture and
2 markets law, as amended by chapter 523 of the laws of 2005, is amended
3 to read as follows:
4 A person who overdrives, overloads, tortures or cruelly beats or
5 unjustifiably injures, maims, mutilates or kills any animal, whether
6 wild or tame, and whether belonging to himself or to another, or
7 deprives any animal of necessary sustenance, food or drink, or neglects
8 or refuses to furnish it such sustenance or drink, or causes, procures
9 or permits any animal to be overdriven, overloaded, tortured, cruelly
10 beaten, or unjustifiably injured, maimed, mutilated or killed, or to be
11 deprived of necessary food or drink, or who wilfully sets on foot,
12 instigates, engages in, or in any way furthers any act of cruelty to any
13 animal, or any act tending to produce such cruelty, is guilty of a class
14 A misdemeanor and for purposes of paragraph (b) of subdivision one of
15 section 160.10 of the criminal procedure law, shall be treated as a
16 misdemeanor defined in the penal law; EXCEPT THAT ANY VIOLATION OF THIS
17 SECTION WITHIN FIVE YEARS FROM THE DATE OF A PRIOR CONVICTION OF ANY
18 VIOLATION OF THIS SECTION, SHALL BE A CLASS E FELONY, PUNISHABLE PURSU-
19 ANT TO THE PROVISIONS OF SECTION THREE HUNDRED FIFTY-THREE-A OF THIS
20 ARTICLE.
21 S 2. This act shall take effect on the first of November next succeed-
22 ing the date on which it shall have become a law.

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

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