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

10041

I N A S S E M B L Y

May 2, 2012

Introduced by M. of A. ROSENTHAL -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to wild and exotic animal protection

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

Section 1. Subdivisions 1, 8 and 9 of section 11-0512 of the environmental conservation law, as amended by chapter 10 of the laws of 2005, are amended to read as follows:

1. No person shall knowingly possess, harbor, sell, barter, transfer, exchange, RELEASE, or import any wild animal for use as a pet in New York state, except as provided in subdivision three of this section.

8. The department, any police or peace officer of this state, a local animal control officer, or a duly incorporated society for the prevention of cruelty to animals is hereby authorized to enforce the provisions of this section and issue notices of violation to persons in violation of this section, and shall have the authority to seize any wild animal held in violation of this section. A county society for the prevention of cruelty to animals must obtain a warrant before seizing a wild animal or arresting a person who owns or possesses a wild animal under this section. Wild animals seized or surrendered pursuant to the provisions of this section shall be transferred to a duly incorporated wildlife sanctuary as defined in this section, or a zoological facility, or shall be humanely euthanized. Any costs associated with seizing, transferring, RECAPTURING or euthanizing a wild animal shall be borne by the person who owned, harbored or possessed the animal. The department shall also have the authority to seek injunctive relief in any court of appropriate jurisdiction to prevent continued violations of this section.

9. Notwithstanding any other provision of law, any person who knowingly breeds a wild animal or knowingly possesses, owns, harbors, sells, barters, transfers, exchanges, or imports a wild animal for use as a pet in violation of the provisions of this section shall be subject to a penalty of not more than five hundred dollars for the first offense and

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

LBD14078-04-2

not more than one thousand dollars for a second and subsequent offenses. Each instance of breeding, owning, harboring, sale, barter, RELEASE, transfer, exchange, or import of a wild animal in violation of this section shall constitute a separate offense.

S 2. Paragraphs b and c of subdivision 3 of section 11-0512 of the environmental conservation law, as amended by chapter 10 of the laws of 2005, are amended and a new paragraph d is added to read as follows:

b. Applies to the department within six months of the effective date of this section, and obtains from the department, a license pursuant to subdivision four of this section; [and]

c. Complies with all applicable federal, state, or local laws, including any ordinance, rule or regulation adopted by a local board of health, or any rules and regulations established by the department as requisites for ownership of such wild animal[.]; AND

D. REPORTS A RELEASE TO THE LOCAL POLICE DEPARTMENT AND ANIMAL CONTROL IMMEDIATELY UPON DISCOVERY OF THE RELEASE. MORE THAN ONE ESCAPE DURING A SINGLE CALENDAR YEAR WILL SUBJECT THE POSSESSOR TO PENALTIES BY THE DEPARTMENT PURSUANT TO SUBDIVISIONS EIGHT AND NINE OF THIS SECTION.

S 3. Section 11-0512 of the environmental conservation law is amended by adding a new subdivision 11 to read as follows:

11. FOR PURPOSES OF THIS SECTION, "RELEASE" SHALL MEAN KNOWINGLY OR NEGLIGENTLY FREEING OR SETTING AT-LARGE ANY WILD ANIMAL FROM THE LOCATION WHERE THE ANIMAL IS PERMITTED TO BE POSSESSED OR HARBORED.

S 4. This act shall take effect on the sixtieth day after it shall have become a law.