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

10338

I N A S S E M B L Y

May 22, 2012

Introduced by M. of A. TEDISCO -- read once and referred to the Committee on Governmental Operations

AN ACT to amend the public officers law, in relation to eliminating the residency requirement for the chief animal law enforcement officer of a county; and to amend the agriculture and markets law, in relation to authorizing certain animal societies and pounds to spay or neuter and release abandoned cats

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

Section 1. Section 3-b of the public officers law is amended by adding a new subdivision 5 to read as follows:

5. NEITHER THE PROVISIONS OF THIS SECTION OR OF ANY GENERAL, SPECIAL OR LOCAL LAW, CHARTER, CODE, ORDINANCE, RESOLUTION, RULE OR REGULATION, REQUIRING A PERSON TO BE A RESIDENT OF THE POLITICAL SUBDIVISION OR MUNICIPAL CORPORATION OF THE STATE BY WHICH HE OR SHE IS EMPLOYED, SHALL APPLY TO A PERSON EMPLOYED BY A COUNTY AS THE CHIEF ANIMAL LAW ENFORCEMENT OFFICER OF SUCH COUNTY.

S 2. Section 332 of the agriculture and markets law, as amended by chapter 449 of the laws of 2010, is amended to read as follows:

S 332. Disposition. Any person having in his or her care, custody, or control any abandoned animal, as defined in section three hundred thirty-one of this article, may deliver such animal to any duly incorporated society for the prevention of cruelty to animals or any duly incorporated humane society having facilities for the care and eventual disposition of such animals, or, in the case of dogs, cats and other small animals, to any pound maintained by or under contract or agreement with any county, city, town, or village within which such animal was abandoned. The person with whom the animal was abandoned shall, however, on the day of divesting himself or herself of possession thereof, notify the person who had placed such animal in his or her custody of the name and address of the animal society or pound to which the animal has been delivered, such notice to be by registered letter mailed to the last known address of the person intended to be so notified. If an animal is not claimed by its owner within five days after being so delivered to

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

LBD15769-01-2

such duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society or pound, such animal may at any time thereafter be placed for adoption in a suitable home [or], euthanized in accordance with the provisions of section three hundred seventy-four of this chapter, OR, IN THE CASE OF CATS AND AT THE DISCRETION OF SUCH DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, HUMANE SOCIETY OR POUND, SPAY OR NEUTER AND VACCINATE SUCH CAT AGAINST RABIES, AND THEN RETURN SUCH CAT TO THE WILD TO LIVE OUT THE REMAINDER OF ITS LIFE. In no event, however, shall the use of a decompression chamber or decompression device of any kind be used for the purpose of destroying or disposing of such animal.

S 3. This act shall take effect immediately.