

1520

2011-2012 Regular Sessions

I N   A S S E M B L Y

January 10, 2011

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Introduced by M. of A. TEDISCO, CONTE, CALHOUN, AMEDORE -- Multi-Sponsored by -- M. of A. BARCLAY, BURLING, CROUCH, DUPREY, FINCH, GIGLIO, HAYES, KOLB, McDONOUGH, McKEVITT, MOLINARO, OAKS, RAIA, SALADINO, THIELE, TOBACCO -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to increasing certain penalties for violating the prohibition of animal fighting and for aggravated cruelty to animals

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

1     Section 1. The opening paragraph of subdivision 2 of section 351 of  
2     the agriculture and markets law, as amended by chapter 190 of the laws  
3     of 2004, is amended to read as follows:  
4     Any person who engages in any of the following conduct is guilty of a  
5     felony punishable by imprisonment for a period not to exceed [four] SIX  
6     years, or by a fine not to exceed [twenty-five] THIRTY thousand dollars,  
7     or by both such fine and imprisonment:  
8     S 2. Paragraph (a) of subdivision 3 of section 351 of the agriculture  
9     and markets law, as added by chapter 150 of the laws of 1984, is amended  
10    to read as follows:  
11    (a) Any person who engages in conduct specified in paragraph (b) of  
12    this subdivision is guilty of a [misdemeanor] FELONY and is punishable  
13    by imprisonment for a period not to exceed [one year] FOUR YEARS, or by  
14    a fine not to exceed [fifteen] TWENTY thousand dollars, or by both such  
15    fine and imprisonment.  
16    S 3. Paragraph (a) of subdivision 4 of section 351 of the agriculture  
17    and markets law, as added by chapter 150 of the laws of 1984, is amended  
18    to read as follows:  
19    (a) Any person who engages in conduct specified in paragraph (b)  
20    [hereof] OF THIS SUBDIVISION is guilty of a [misdemeanor] FELONY and is  
21    punishable by imprisonment for a period not to exceed [one year] TWO

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

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1 YEARS, or by a fine not to exceed [one] TEN thousand dollars, or by both  
2 such fine and imprisonment.

3 S 4. Subdivision 3 of section 353-a of the agriculture and markets  
4 law, as added by chapter 118 of the laws of 1999, is amended to read as  
5 follows:

6 3. Aggravated cruelty to animals is a felony. A defendant convicted of  
7 this offense shall be sentenced [pursuant to paragraph (b) of subdivi-  
8 sion one of section 55.10 of the penal law provided, however, that any  
9 term of imprisonment imposed for violation of this section shall be a  
10 definite sentence, which may not exceed two years] TO A PERIOD OF IMPRI-  
11 SONMENT NOT TO EXCEED FOUR YEARS, BY A FINE NOT TO EXCEED TEN THOUSAND  
12 DOLLARS OR BY BOTH SUCH FINE AND IMPRISONMENT. IN ADDITION TO ANY OTHER  
13 PENALTY PROVIDED BY LAW, THE COURT SHALL ORDER ANY DEFENDANT CONVICTED  
14 OF THIS OFFENSE, INCLUDING A DEFENDANT WHO HAS BEEN ADJUDICATED A YOUTH-  
15 FUL OFFENDER, TO UNDERGO A PSYCHIATRIC EVALUATION BY A QUALIFIED MENTAL  
16 HEALTH PROFESSIONAL AND MAY REQUIRE THAT SUCH PERSON, AT HIS OR HER OWN  
17 EXPENSE, ENTER AND COMPLETE ANY TREATMENT OR PROGRAM DEEMED NECESSARY TO  
18 TREAT ANY MENTAL DISEASE, MENTAL DEFECT OR MENTAL CONDITION, WHICH MAY  
19 HAVE CAUSED OR CONTRIBUTED TO SUCH OFFENSE.

20 S 5. This act shall take effect immediately.