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

1843--A

2011-2012 Regular Sessions

I N A S S E M B L Y

January 12, 2011

Introduced by M. of A. ROSENTHAL, BENEDETTO, HOYT, MAISEL, MAYERSOHN, MILLMAN, KAVANAGH, PHEFFER, PAULIN, TITONE, P. RIVERA -- Multi-Sponsored by -- M. of A. BING, BOYLAND, COLTON, GABRYSZAK, HEVESI, LIFTON, REILLY, SWEENEY, WEISENBERG -- read once and referred to the Committee on Agriculture -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to aggravated cruelty to animals

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

Section 1. Subdivisions 1 and 2 of section 353-a of the agriculture and markets law, as added by chapter 118 of the laws of 1999, are amended to read as follows:

1. A person is guilty of aggravated cruelty to animals when, with no justifiable purpose, he or she intentionally kills or intentionally causes serious physical injury to a companion animal OR WILDLIFE, AS DEFINED IN SUBDIVISION SIX OF SECTION 11-0103 OF THE ENVIRONMENTAL CONSERVATION LAW, OTHER THAN INSECTS, with aggravated cruelty. For purposes of this section, "aggravated cruelty" shall mean conduct which: (i) is intended to cause extreme physical pain; or (ii) is done or carried out in an especially depraved or sadistic manner.

2. Nothing contained in this section shall be construed to prohibit or interfere in any way with anyone lawfully engaged in hunting, trapping, or fishing, as provided in article eleven of the environmental conservation law, ACTIVITIES DEEMED TO BE SOUND AGRICULTURAL PRACTICES PURSUANT TO SECTION THREE HUNDRED EIGHT OF THIS CHAPTER, the dispatch of rabid or diseased animals, as provided in article twenty-one of the public health law, or the dispatch of animals posing a threat to human safety or other animals, where such action is otherwise legally authorized, or any properly conducted scientific tests, experiments, or investigations involv-

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

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ing the use of living animals, performed or conducted in laboratories or institutions approved for such purposes by the commissioner of health pursuant to section three hundred fifty-three of this article.

S 2. This act shall take effect on the ninetieth day after it shall have become a law.