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

2368

2011-2012 Regular Sessions

I N A S S E M B L Y

January 18, 2011

Introduced by M. of A. PAULIN, GABRYSZAK, HOOPER, MAYERSOHN, ROSENTHAL, MILLMAN, KAVANAGH, ORTIZ, HEVESI -- Multi-Sponsored by -- M. of A. BING, BURLING, COOK, CUSICK, GLICK, GOTTFRIED, JEFFRIES, LATIMER, V. LOPEZ, LUPARDO, McDONOUGH, McENENY, NOLAN, PERRY, PHEFFER, THIELE, TOWNS -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to a limit on the number of intact animals over the age of four months a person or business can own, possess, control or otherwise have charge or custody

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

Section 1. The agriculture and markets law is amended by adding a new section 380 to read as follows:

S 380. LIMIT ON INTACT ANIMALS. NO PERSON OR BUSINESS BUYING, SELLING, OR OFFERING FOR SALE DOGS OR CATS TO THE PUBLIC OR AT WHOLESALE SHALL OWN, POSSESS, CONTROL OR OTHERWISE HAVE CHARGE OR CUSTODY OF MORE THAN FIFTY DOGS OVER THE AGE OF FOUR MONTHS AND CATS OVER THE AGE OF FOUR MONTHS WITH INTACT SEXUAL ORGANS KEPT FOR THE PURPOSE OF BREEDING THOSE ANIMALS AND SELLING THEIR OFFSPRING AS A COMPANION ANIMAL. A VIOLATION OF THIS SECTION IS A CLASS A MISDEMEANOR. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT ANY PROTECTIONS AFFORDED TO DOGS, CATS, OR OTHER ANIMALS UNDER ANY OTHER PROVISIONS OF THIS ARTICLE.

S 2. Section 373 of the agriculture and markets law is amended by adding a new subdivision 2-a to read as follows:

2-A. ANY SUCH AGENT OR OFFICER MAY ALSO LAWFULLY TAKE POSSESSION OF ANY ANIMALS KEPT IN VIOLATION OF SECTION THREE HUNDRED EIGHTY OF THIS ARTICLE AND THE OFFSPRING OF SUCH ANIMALS, PROVIDED THAT A COMPLAINT STATING JUST AND REASONABLE GROUNDS IS MADE UNDER OATH OR AFFIRMATION TO ANY MAGISTRATE AUTHORIZED TO ISSUE WARRANTS IN CRIMINAL CASES, AND THAT SUCH WARRANT AUTHORIZING ENTRY AND SEARCH IS ISSUED AND DELIVERED BY

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

LBD03117-01-1

SUCH MAGISTRATE; IF JUST AND REASONABLE CAUSE IS SHOWN, THE MAGISTRATE SHALL IMMEDIATELY ISSUE SUCH WARRANT.

S 3. This act shall take effect on the one hundred eightieth day after it shall have become a law.