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

5957

2011-2012 Regular Sessions

I N A S S E M B L Y

March 3, 2011

Introduced by M. of A. KAVANAGH -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to penalties for attendance as a spectator at a place where animal fighting is being conducted

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

Section 1. Subdivisions 3, 4 and 5 of section 351 of the agriculture and markets law, subdivisions 3 and 4 as added by chapter 150 of the laws of 1984 and subdivision 5 as added by chapter 308 of the laws of 2008, are amended to read as follows:

3. (a) Any person who engages in conduct specified in paragraph (b) of this subdivision is guilty of a misdemeanor [and is] punishable by imprisonment for a period not to exceed one year, or by a fine not to exceed fifteen thousand dollars, or by both such fine and imprisonment.

(b) The owning, possessing or keeping of any animal under circumstances evincing an intent that such animal engage in animal fighting.

4. (a) Any person who engages in conduct specified in paragraph (b) [hereof] OF THIS SUBDIVISION is guilty of a misdemeanor [and is] punishable by imprisonment for a period not to exceed one year, or by a fine not to exceed one thousand dollars, or by both such fine and imprisonment.

(b) The knowing presence as a spectator [having paid an admission fee or having made a wager] at any place where an exhibition of animal fighting is being conducted, REGARDLESS OF WHETHER SUCH PERSON HAS PAID AN ADMISSION FEE OR HAS MADE A WAGER.

5. [(a) Any person who engages in the conduct specified in paragraph (b) of this subdivision is guilty of a violation punishable by a fine not to exceed five hundred dollars. Any person who engages in the conduct specified in paragraph (b) of this subdivision after having been convicted within the previous five years of a violation of this subdivi-

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

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sion or subdivision four of this section is guilty of a misdemeanor and is punishable by imprisonment for a period not to exceed one year, or by a fine not to exceeded one thousand dollars, or by both by such fine and imprisonment.

(b) The knowing presence as a spectator at any place where an exhibition of animal fighting is being conducted.] ANY PERSON WHO IS CONVICTED OF A VIOLATION OF SUBDIVISION FOUR OF THIS SECTION AND WHO HAS PREVIOUSLY BEEN CONVICTED OF A VIOLATION OF SUBDIVISION FOUR OF THIS SECTION WITHIN THE PRECEDING FIVE YEARS, IS GUILTY OF A MISDEMEANOR PUNISHABLE BY IMPRISONMENT FOR A PERIOD NOT TO EXCEED ONE YEAR, OR BY A FINE NOT TO EXCEED TWO THOUSAND DOLLARS, OR BY BOTH SUCH FINE AND IMPRISONMENT.

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