

S T A T E   O F   N E W   Y O R K

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I N   A S S E M B L Y

February 16, 2012

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Introduced by M. of A. ROSENTHAL, M. MILLER -- read once and referred to the Committee on Judiciary -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- again reported from said committee with amendments, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to the care and collection of animals on vacant property

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

1     Section 1. Section 373 of the agriculture and markets law is amended  
2     by adding a new subdivision 2-a to read as follows:  
3     2-A. A. NOTWITHSTANDING SECTIONS THIRTEEN HUNDRED SEVEN AND NINETEEN  
4     HUNDRED SEVENTY-ONE OF THE REAL PROPERTY ACTIONS AND PROCEEDINGS LAW OR  
5     ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY PERSON OR ENTITY WHO IS  
6     AUTHORIZED TO BE ON PROPERTY THAT HAS BEEN VACATED AS A RESULT OF AN  
7     EVICTION, PROPERTY FORECLOSURE, FORFEITURE OR DEFAULT ON A MORTGAGE,  
8     TRUST DEED OR LAND SALES CONTRACT, OR ABANDONMENT WHO ENCOUNTERS AN  
9     ANIMAL WHICH BASED ON ITS PHYSICAL APPEARANCE OR LACK OF AVAILABLE FOOD  
10    OR WATER APPEARS ABANDONED ON SUCH PROPERTY SHALL PROMPTLY, BUT NOT  
11    LATER THAN SIX HOURS AFTER SUCH ENCOUNTER, NOTIFY THE DOG CONTROL OFFI-  
12    CER, THE POLICE, OR AGENT OR OFFICER OF A DULY INCORPORATED SOCIETY FOR  
13    THE PREVENTION OF CRUELTY TO ANIMALS ABOUT SUCH ENCOUNTER, FOR THE  
14    PURPOSE OF PROMPTLY RETRIEVING OR PROVIDING NECESSARY CARE FOR SUCH  
15    ANIMAL AT THE PROPERTY UNTIL THE ANIMAL CAN BE RETRIEVED. ANIMALS  
16    REMOVED FROM THE PREMISES SHALL BE PLACED IN THE CUSTODY OF A POUND,  
17    DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, DULY  
18    INCORPORATED HUMANE SOCIETY, OR DULY INCORPORATED ANIMAL PROTECTIVE  
19    ASSOCIATION AND CARED FOR IN ACCORDANCE WITH THE PROVISIONS OF THIS  
20    SECTION, SECTION THREE HUNDRED SEVENTY-FOUR OF THIS ARTICLE, SECTION ONE  
21    HUNDRED SEVENTEEN OF THIS CHAPTER, AND ALL OTHER LAWS AND ORDINANCES  
22    THAT GOVERN THE HUMANE TREATMENT OF ANIMALS. FAILURE TO PROVIDE NOTIFI-  
23    CATION AS PROVIDED FOR IN THIS SUBDIVISION SHALL BE A VIOLATION.  
24    B. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT OR RESTRICT IN  
25    ANY WAY AGENTS OR OFFICERS OF SOCIETIES FOR THE PREVENTION OF CRUELTY TO

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

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1 ANIMALS OR THE POLICE FROM ENFORCING PROVISIONS OF THIS ARTICLE OR ANY  
2 OTHER LAW RELATING TO ABANDONMENT OF ANIMALS OR THE INHUMANE TREATMENT  
3 OF OR CRUELTY TO ANIMALS.  
4 S 2. This act shall take effect on the sixtieth day after it shall  
5 have become a law.