

5172

2011-2012 Regular Sessions

I N   S E N A T E

May 3, 2011

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Introduced by Sen. RITCHIE -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to unlawful tampering with farm animals

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

1     Section 1. The agriculture and markets law is amended by adding a new  
2     section 378-a to read as follows:

3     S 378-A. UNLAWFUL TAMPERING WITH FARM ANIMALS. 1. DEFINITIONS.     FOR  
4     THE PURPOSES OF THIS SECTION, THE FOLLOWING TERMS SHALL HAVE THE FOLLOW-  
5     ING MEANINGS:

6     (A) "FARM ANIMAL" MEANS ANY WARM OR COLD BLOODED ANIMAL WHICH IS BEING  
7     USED IN THE PRODUCTION OF FOOD OR FIBER FOR AGRICULTURAL PURPOSES.

8     (B) "FARM" MEANS ANY BUILDING, STRUCTURE, VEHICLE, PASTURE, Paddock,  
9     POND, IMPOUNDMENT AREA, LAND OR PROPERTY UPON WHICH FARM ANIMALS ARE  
10    HOUSED, CARED FOR, GRAZED OR BRED.

11    (C) "RELEASE" MEANS TO INTENTIONALLY SET FREE FROM ANY FARM ANY FARM  
12    ANIMAL WITHOUT ANY RIGHT, TITLE, OR CLAIM THERETO.

13    (D) "PERSON" MEANS ANY INDIVIDUAL, FIRM, ORGANIZATION, PARTNERSHIP,  
14    ASSOCIATION OR CORPORATION, INCLUDING EMPLOYEES OF THE FARM.

15    (E) "NOTICE" MEANS TO PROVIDE INFORMATION AND DISCLOSURE, THROUGH  
16    POSTING AT A CENTRALIZED LOCATION ON THE FARM, THROUGH NOTICE IN WRITING  
17    OR ORALLY TO THE PERSON, OR PROMINENTLY POSTING SUCH NOTICE UPON OR  
18    IMMEDIATELY ADJACENT TO THE ENTRY TO THE FARM.

19    (F) "UNLAWFUL TAMPERING" MEANS ANY INTERFERENCE WITH A FARM ANIMAL OR  
20    FARM THROUGH THE INJECTION OF ANY UNAUTHORIZED SUBSTANCE, THE RELEASE OF  
21    A FARM ANIMAL, THE UNAUTHORIZED FEEDING OR UNAUTHORIZED VIDEO, AUDIO  
22    RECORDING OR PHOTOGRAPHY DONE WITHOUT THE FARM OWNER'S WRITTEN CONSENT.

23    2. ANY PERSON WHO, AFTER NOTICE HAS BEEN GIVEN THAT THE FARM PROHIBITS  
24    UNLAWFUL TAMPERING, KNOWINGLY OR INTENTIONALLY DOES SUCH IS GUILTY OF  
25    UNLAWFUL TAMPERING WITH A FARM ANIMAL, A MISDEMEANOR PUNISHABLE BY A

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

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1 TERM OF IMPRISONMENT FOR UP TO ONE YEAR OR A FINE OF UP TO ONE THOUSAND  
2 DOLLARS.

3 3. ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION SHALL BE  
4 LIABLE IN ANY COURT OF COMPETENT JURISDICTION, INCLUDING SMALL CLAIMS  
5 COURT, IN AN AMOUNT EQUAL TO THE DAMAGES SUSTAINED AS A RESULT OF SUCH  
6 VIOLATION, INCLUDING ATTORNEY'S FEES AND COSTS, VETERINARIAN'S FEES AND  
7 COSTS, AND THE COST OF PURCHASING A REPLACEMENT FARM ANIMAL IF APPLICA-  
8 BLE.

9 S 2. This act shall take effect immediately.