

992

2011-2012 Regular Sessions

I N   S E N A T E

(PREFILED)

January 5, 2011

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

AN ACT to amend the penal law, in relation to theft of a companion  
animal or pet

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

1     Section 1. The penal law is amended by adding three new sections  
2     165.75, 165.80 and 165.85 to read as follows:  
3     S 165.75 DEFINITIONS.  
4     AS USED IN SECTIONS 165.80 AND 165.85 OF THIS ARTICLE, THE FOLLOWING  
5     TERMS HAVE THE FOLLOWING DEFINITIONS:  
6     1. THE TERM "COMPANION ANIMAL" OR "PET" SHALL MEAN A DOG, CAT OR ANY  
7     OTHER DOMESTICATED ANIMAL NORMALLY MAINTAINED IN OR NEAR THE HOUSEHOLD  
8     OF THE OWNER OR PERSON WHO CARES FOR SUCH DOMESTICATED ANIMAL. "PET" OR  
9     "COMPANION ANIMAL" SHALL NOT INCLUDE A "FARM ANIMAL" AS DEFINED IN  
10    SUBDIVISION FOUR OF SECTION THREE HUNDRED FIFTY OF THE AGRICULTURE AND  
11    MARKETS LAW.  
12    2. THE TERM "AGGRAVATED CRUELTY" SHALL MEAN CONDUCT WHICH:  
13    A. IS INTENDED TO CAUSE EXTREME PHYSICAL PAIN; OR  
14    B. IS DONE OR CARRIED OUT IN AN ESPECIALLY DEPRAVED OR SADISTIC  
15    MANNER.  
16    S 165.80 PET THEFT IN THE SECOND DEGREE.  
17    1. A PERSON IS GUILTY OF PET THEFT IN THE SECOND DEGREE WHEN HE OR SHE  
18    STEALS A COMPANION ANIMAL OR PET.  
19    2. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT OR  
20    INTERFERE IN ANY WAY WITH ANYONE LAWFULLY ENGAGED IN HUNTING, TRAPPING  
21    OR FISHING, AS PROVIDED IN ARTICLE ELEVEN OF THE ENVIRONMENTAL CONSERVA-  
22    TION LAW, THE DISPATCH OF RABID OR DISEASED ANIMALS, AS PROVIDED IN  
23    ARTICLE TWENTY-ONE OF THE PUBLIC HEALTH LAW, THE DISPATCH OF ANIMALS  
24    POSING A THREAT TO HUMAN SAFETY OR OTHER ANIMALS, WHERE SUCH ACTION IS

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

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1 OTHERWISE LEGALLY AUTHORIZED, OR ANY PROPERLY CONDUCTED SCIENTIFIC  
2 TESTS, EXPERIMENTS OR INVESTIGATIONS INVOLVING THE USE OF LIVING  
3 ANIMALS, PERFORMED OR CONDUCTED IN LABORATORIES OR INSTITUTIONS APPROVED  
4 FOR SUCH PURPOSES BY THE COMMISSIONER OF HEALTH PURSUANT TO SECTION  
5 THREE HUNDRED FIFTY-THREE OF THE AGRICULTURE AND MARKETS LAW.

6 PET THEFT IN THE SECOND DEGREE IS A CLASS E FELONY.

7 S 165.85 PET THEFT IN THE FIRST DEGREE.

8 1. A PERSON IS GUILTY OF PET THEFT IN THE FIRST DEGREE WHEN HE OR SHE  
9 COMMITS PET THEFT IN THE SECOND DEGREE, AND WHEN:

10 A. SUCH COMPANION ANIMAL IS SOLD FOR SCIENTIFIC RESEARCH PURPOSES; OR

11 B. WITH NO JUSTIFIABLE PURPOSE, HE OR SHE INTENTIONALLY KILLS OR  
12 INTENTIONALLY CAUSES SERIOUS PHYSICAL INJURY TO SUCH COMPANION ANIMAL OR  
13 PET WITH AGGRAVATED CRUELTY.

14 2. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT OR  
15 INTERFERE IN ANY WAY WITH ANYONE LAWFULLY ENGAGED IN HUNTING, TRAPPING  
16 OR FISHING, AS PROVIDED IN ARTICLE ELEVEN OF THE ENVIRONMENTAL CONSERVA-  
17 TION LAW, THE DISPATCH OF RABID OR DISEASED ANIMALS, AS PROVIDED IN  
18 ARTICLE TWENTY-ONE OF THE PUBLIC HEALTH LAW, THE DISPATCH OF ANIMALS  
19 POSING A THREAT TO HUMAN SAFETY OR OTHER ANIMALS, WHERE SUCH ACTION IS  
20 OTHERWISE LEGALLY AUTHORIZED, OR ANY PROPERLY CONDUCTED SCIENTIFIC  
21 TESTS, EXPERIMENTS OR INVESTIGATIONS INVOLVING THE USE OF LIVING  
22 ANIMALS, PERFORMED OR CONDUCTED IN LABORATORIES OR INSTITUTIONS APPROVED  
23 FOR SUCH PURPOSES BY THE COMMISSIONER OF HEALTH PURSUANT TO SECTION  
24 THREE HUNDRED FIFTY-THREE OF THE AGRICULTURE AND MARKETS LAW.

25 PET THEFT IN THE FIRST DEGREE IS A CLASS D FELONY.

26 S 2. This act shall take effect immediately.