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

992--A

2011-2012 Regular Sessions

I N S E N A T E

(PREFILED)

January 5, 2011

Introduced by Sen. KLEIN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The penal law is amended by adding three new sections 165.75, 165.76 and 165.77 to read as follows:

S 165.75 DEFINITIONS.

AS USED IN SECTIONS 165.76 AND 165.77 OF THIS ARTICLE, THE FOLLOWING TERMS HAVE THE FOLLOWING DEFINITIONS:

1. THE TERM "COMPANION ANIMAL" OR "PET" IS DEFINED AS A DOG, CAT, OR ANY OTHER DOMESTICATED ANIMAL NORMALLY MAINTAINED IN OR NEAR THE HOUSEHOLD OF THE OWNER OR PERSON WHO CARES FOR SUCH DOMESTICATED ANIMAL. "PET" OR "COMPANION ANIMAL" SHALL NOT INCLUDE A "FARM ANIMAL" AS DEFINED IN SUBDIVISION FOUR OF SECTION THREE HUNDRED FIFTY OF THE AGRICULTURE AND MARKETS LAW.

2. THE TERM "AGGRAVATED CRUELTY" SHALL MEAN CONDUCT WHICH:

A. IS INTENDED TO CAUSE EXTREME PHYSICAL PAIN; OR

B. IS DONE OR CARRIED OUT IN AN ESPECIALLY DEPRAVED OR SADISTIC MANNER.

S 165.76 PET THEFT IN THE SECOND DEGREE.

1. A PERSON IS GUILTY OF PET THEFT IN THE SECOND DEGREE WHEN HE STEALS A COMPANION ANIMAL OR PET.

2. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT OR INTERFERE IN ANY WAY WITH ANYONE LAWFULLY ENGAGED IN HUNTING, TRAPPING, OR FISHING, AS PROVIDED IN ARTICLE ELEVEN OF THE ENVIRONMENTAL CONSERVATION LAW, THE DISPATCH OF RABID OR DISEASED ANIMALS, AS PROVIDED IN

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

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ARTICLE TWENTY-ONE OF THE PUBLIC HEALTH LAW, OR THE DISPATCH OF ANIMALS POSING A THREAT TO HUMAN SAFETY OR OTHER ANIMALS, WHERE SUCH ACTION IS OTHERWISE LEGALLY AUTHORIZED, OR ANY PROPERLY CONDUCTED SCIENTIFIC TESTS, EXPERIMENTS, OR INVESTIGATIONS INVOLVING THE USE OF LIVING ANIMALS, PERFORMED OR CONDUCTED IN LABORATORIES OR INSTITUTIONS APPROVED FOR SUCH PURPOSES BY THE COMMISSIONER OF HEALTH PURSUANT TO SECTION THREE HUNDRED FIFTY-THREE OF THE AGRICULTURE AND MARKETS LAW.

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

S 165.77 PET THEFT IN THE FIRST DEGREE.

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

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

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

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

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

S 2. This act shall take effect immediately.