

3154--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

January 23, 2013

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Introduced by M. of A. PAULIN, ENGLEBRIGHT, ROBERTS, WEISENBERG, MOSLEY  
-- Multi-Sponsored by -- M. of A. GOTTFRIED -- read once and referred  
to the Committee on Agriculture -- recommitted to the Committee on  
Agriculture in accordance with Assembly Rule 3, sec. 2 -- committee  
discharged, bill amended, ordered reprinted as amended and recommitted  
to said committee

AN ACT to amend the agriculture and markets law, in relation to prohib-  
iting cruel treatment of elephants

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

1     Section 1. The agriculture and markets law is amended by adding a new  
2     section 380 to read as follows:  
3     S 380. CRUELTY TO ELEPHANTS. 1. IT SHALL BE UNLAWFUL FOR ANY PERSON TO  
4     COMMIT ANY OF THE FOLLOWING ACTS ON OR TO AN ELEPHANT:  
5         (A) USING A BULLHOOK, ANKUS, OR SIMILAR DEVICE;  
6         (B) USING ELECTRICITY OR ANY SHOCKING DEVICE;  
7         (C) USING MARTINGALES, WHIP, OR BLOCK AND TACKLE;  
8         (D) HITTING, BEATING, PUNCHING, KICKING, OR ENGAGING IN ANY OTHER ACT  
9     WHICH COULD CAUSE PAIN OR INJURY;  
10         (E) INSERTING ANY INSTRUMENT INTO ANY BODILY ORIFICE;  
11         (F) USING CHAINS FOR THE PURPOSE OF RESTRAINING OR TYING DOWN EXCEPT  
12     FOR THE LIMITED PURPOSE OF PROTECTING PUBLIC SAFETY;  
13         (G) DEPRIVING OF ADEQUATE FOOD, WATER, OR REST; OR  
14         (H) COMMITTING ANY OTHER PRACTICES WHICH ARE LIKELY TO CAUSE INJURY OR  
15     DEATH TO AN ELEPHANT.  
16     2. NO PERSON SHALL POSSESS ANY DEVICE WHICH EMITS AN ELECTRIC CURRENT  
17     OR SHOCK OR ANY INSTRUMENT THAT MAY REASONABLY RESULT IN DAMAGE, SCAR-  
18     RING OR BREAKAGE TO THE SKIN OF AN ELEPHANT IN THE PRESENCE OF AN  
19     ELEPHANT. FOR THE PURPOSES OF THIS SUBDIVISION, SUCH IMPLEMENT OR DEVICE  
20     INCLUDES, BUT IS NOT LIMITED TO, A BULLHOOK, ANKUS, OR OTHER SIMILAR  
21     DEVICE.

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

LBD06186-02-4

1 3. ANY VIOLATION OF THIS SECTION SHALL CONSTITUTE A CLASS E FELONY.

2 4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT ANY OTHER  
3 PROTECTIONS AFFORDED TO ELEPHANTS UNDER ANY OTHER PROVISION OF THIS  
4 CHAPTER OR ANY OTHER LAW.

5 5. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT ANY TOWN, CITY,  
6 VILLAGE, OR COUNTY IN THE STATE FROM ENACTING A LOCAL LAW OR ORDINANCE  
7 GOVERNING OR RESTRICTING THE USE OF ELEPHANTS WITHIN SUCH TOWN, CITY,  
8 VILLAGE, OR COUNTY PROVIDED, HOWEVER, THAT NO SUCH LAW OR ORDINANCE  
9 SHALL BE LESS STRINGENT THAN THIS SECTION.

10 6. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A VETERINA-  
11 RIAN FROM PERFORMING NECESSARY TREATMENT ON AN ELEPHANT.

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