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

4514

2013-2014 Regular Sessions

I N A S S E M B L Y

February 5, 2013

Introduced by M. of A. TEDISCO, MALLIOTAKIS, KATZ, CORWIN, BUTLER, McDONOUGH, GIGLIO, TENNEY, BROOK-KRASNY, McLAUGHLIN, STEVENSON -- Multi-Sponsored by -- M. of A. ARROYO, BARCLAY, CERETTO, COLTON, CROUCH, FINCH, JOHNS, KOLB, McKEVITT, MILLER, MONTESANO, OAKS, RABBITT, RAIA, RIVERA, SALADINO, THIELE, TITONE, WEISENBERG -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to limiting the ownership or possession of companion animals by persons convicted of violating "Buster's Law"

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

Section 1. Section 353-a of the agriculture and markets law is amended by adding a new subdivision 4 to read as follows:

4. ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, NO PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION SHALL OWN OR POSSESS A COMPANION ANIMAL UNLESS AND UNTIL AUTHORIZED BY A COURT ORDER ISSUED BY A COUNTY COURT JUDGE OF HIS OR HER COUNTY OF RESIDENCE. NO SUCH ORDER SHALL BE ISSUED UNTIL SUCH CONVICTED PERSON FIRST DEMONSTRATES TO THE COURT THAT HE OR SHE HAS UNDERGONE PSYCHIATRIC OR PSYCHOLOGICAL TESTING, THE RESULTS OF WHICH INDICATE BY CLEAR AND CONVINCING EVIDENCE OF HIS OR HER CAPABLE AND SOUND MENTAL CAPACITY AND ABILITY TO OWN AND PROPERLY CARE FOR SUCH AN ANIMAL IN A HUMANE MANNER.

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

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

LBD07300-01-3