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

4031

2013-2014 Regular Sessions

I N S E N A T E

March 5, 2013

Introduced by Sen. KRUEGER -- 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 prohibiting the dissemination of depictions of animal cruelty

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 a new section 245.13 to read as follows:

S 245.13 DISSEMINATING A DEPICTION OF ANIMAL CRUELTY.

1. A PERSON IS GUILTY OF DISSEMINATING A DEPICTION OF ANIMAL CRUELTY WHEN HE OR SHE KNOWINGLY PROMOTES A DEPICTION OF ANIMAL CRUELTY.

2. AS USED IN THIS SECTION:

A. "DEPICTION OF ANIMAL CRUELTY" MEANS ANY VISUAL DEPICTION, INCLUDING ANY PHOTOGRAPH, MOTION-PICTURE FILM, VIDEO RECORDING OR ELECTRONIC IMAGE, WHICH DEPICTS AN ANIMAL BEING INTENTIONALLY INJURED OR KILLED, THAT:

(1) DEPICTS ACTUAL CONDUCT IN WHICH A LIVING ANIMAL IS TORTURED, MAIMED, OR MUTILATED THAT VIOLATES ANY CRIMINAL PROHIBITION ON INTENTIONAL CRUELTY UNDER FEDERAL LAW OR STATE LAW; AND

(2) TAKEN AS A WHOLE, DOES NOT HAVE RELIGIOUS, POLITICAL, SCIENTIFIC, EDUCATIONAL, JOURNALISTIC, HISTORICAL, OR ARTISTIC VALUE.

B. "PROMOTE" MEANS TO MANUFACTURE, CREATE, ISSUE, SELL, GIVE, PROVIDE, POSSESS, FURNISH, LEND, MAIL, DELIVER, TRANSFER, TRANSMIT, PUBLISH, DISTRIBUTE, CIRCULATE, DISSEMINATE, PRESENT, EXHIBIT OR ADVERTISE, OR TO OFFER TO AGREE TO DO THE SAME.

3. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT THE SELLING OF OR OFFERING TO SELL ALL FILMED OR ELECTRONIC IMAGES THAT DEPICT HUNTING, FARMING OR VETERINARY PRACTICES OR FOR LAW ENFORCEMENT PURPOSES.

DISSEMINATING A DEPICTION OF ANIMAL CRUELTY IS A CLASS D FELONY, PUNISHABLE BY IMPRISONMENT OR BY BOTH IMPRISONMENT AND FINE.

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

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S 2. If any section, paragraph, sentence, clause, phrase or any part of this act hereafter is declared to be unconstitutional or void, or if for any reason is declared to be invalid or of no effect, the remaining sections, paragraphs, sentences, clauses, phrases or parts thereof shall be in no manner affected thereby but shall remain in full force and effect.

S 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.