

583--C

Cal. No. 74

2013-2014 Regular Sessions

I N S E N A T E

(PREFILED)

January 9, 2013

Introduced by Sens. GALLIVAN, AVELLA, BALL, GIPSON, GRISANTI, MAZIARZ, RANZENHOFER -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading -- again amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the agriculture and markets law, in relation to limiting the right of a person who has violated certain animal cruelty statutes from working at an animal shelter

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

1 Section 1. Section 353-a of the agriculture and markets law is amended
2 by adding a new subdivision 4 to read as follows:
3 4. NO PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION SHALL BE
4 ALLOWED TO ACCEPT OR REMAIN IN A POSITION AS A DOG CONTROL OFFICER,
5 ANIMAL CONTROL OFFICER, OR AS A PAID EMPLOYEE OR VOLUNTEER AT THE
6 FOLLOWING TYPES OF ESTABLISHMENTS: AN ANIMAL SHELTER, POUND, DULY INCOR-
7 PORATED HUMANE SOCIETY, DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION,
8 OR DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS,
9 ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION. FOR THE PURPOSES
10 OF THIS SUBDIVISION, THE TERM "VOLUNTEER" SHALL NOT INCLUDE ANYONE
11 REQUIRED BY COURT ORDER TO FULFILL A COMMUNITY SERVICE REQUIREMENT IN
12 SERVICE AT ANY ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY,
13 DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED
14 SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS. ANY DOG CONTROL OFFI-
15 CER, ANIMAL CONTROL OFFICER OR PAID EMPLOYEE OR VOLUNTEER FOUND IN
16 VIOLATION OF THIS SUBDIVISION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

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

LBD04880-07-3

1 S 2. Section 353 of the agriculture and markets law, as amended by
2 chapter 458 of the laws of 1985 and the opening paragraph as amended by
3 chapter 523 of the laws of 2005, is amended to read as follows:

4 S 353. Overdriving, torturing and injuring animals; failure to provide
5 proper sustenance. 1. A person who overdrives, overloads, tortures or
6 cruelly beats or unjustifiably injures, maims, mutilates or kills any
7 animal, whether wild or tame, and whether belonging to himself or to
8 another, or deprives any animal of necessary sustenance, food or drink,
9 or neglects or refuses to furnish it such sustenance or drink, or caus-
10 es, procures or permits any animal to be overdriven, overloaded,
11 tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or
12 killed, or to be deprived of necessary food or drink, or who wilfully
13 sets on foot, instigates, engages in, or in any way furthers any act of
14 cruelty to any animal, or any act tending to produce such cruelty, is
15 guilty of a class A misdemeanor and for purposes of paragraph (b) of
16 subdivision one of section 160.10 of the criminal procedure law, shall
17 be treated as a misdemeanor defined in the penal law.

18 2. Nothing herein contained shall be construed to prohibit or inter-
19 fere with any properly conducted scientific tests, experiments or inves-
20 tigation, involving the use of living animals, performed or conducted
21 in laboratories or institutions, which are approved for these purposes
22 by the state commissioner of health. The state commissioner of health
23 shall prescribe the rules under which such approvals shall be granted,
24 including therein standards regarding the care and treatment of any such
25 animals. Such rules shall be published and copies thereof conspicuously
26 posted in each such laboratory or institution. The state commissioner of
27 health or his duly authorized representative shall have the power to
28 inspect such laboratories or institutions to insure compliance with such
29 rules and standards. Each such approval may be revoked at any time for
30 failure to comply with such rules and in any case the approval shall be
31 limited to a period not exceeding one year.

32 3. NO PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION SHALL BE
33 ALLOWED TO ACCEPT OR REMAIN IN A POSITION AS A DOG CONTROL OFFICER,
34 ANIMAL CONTROL OFFICER, OR AS A PAID EMPLOYEE OR VOLUNTEER AT THE
35 FOLLOWING TYPES OF ESTABLISHMENTS: AN ANIMAL SHELTER, POUND, DULY INCOR-
36 PORATED HUMANE SOCIETY, DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION,
37 OR DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS,
38 ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION. FOR THE PURPOSES
39 OF THIS SUBDIVISION, THE TERM "VOLUNTEER" SHALL NOT INCLUDE ANYONE
40 REQUIRED BY COURT ORDER TO FULFILL A COMMUNITY SERVICE REQUIREMENT IN
41 SERVICE AT ANY ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY,
42 DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED
43 SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS. ANY DOG CONTROL OFFI-
44 CER, ANIMAL CONTROL OFFICER OR PAID EMPLOYEE OR VOLUNTEER FOUND IN
45 VIOLATION OF THIS SUBDIVISION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

46 S 3. Section 351 of the agriculture and markets law is amended by
47 adding a new subdivision 7 to read as follows:

48 7. NO PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION SHALL BE
49 ALLOWED TO ACCEPT OR REMAIN IN A POSITION AS A DOG CONTROL OFFICER,
50 ANIMAL CONTROL OFFICER, OR AS A PAID EMPLOYEE OR VOLUNTEER AT THE
51 FOLLOWING TYPES OF ESTABLISHMENTS: AN ANIMAL SHELTER, POUND, DULY INCOR-
52 PORATED HUMANE SOCIETY, DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION,
53 OR DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS,
54 ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION. FOR THE PURPOSES OF
55 THIS SUBDIVISION, THE TERM "VOLUNTEER" SHALL NOT INCLUDE ANYONE REQUIRED
56 BY COURT ORDER TO FULFILL A COMMUNITY SERVICE REQUIREMENT IN SERVICE AT

1 ANY ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY, DULY INCOR-
2 PORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR
3 THE PREVENTION OF CRUELTY TO ANIMALS. ANY DOG CONTROL OFFICER, ANIMAL
4 CONTROL OFFICER OR PAID EMPLOYEE OR VOLUNTEER FOUND IN VIOLATION OF THIS
5 SUBDIVISION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

6 S 4. Section 355 of the agriculture and markets law, as amended by
7 chapter 458 of the laws of 1985, is amended to read as follows:

8 S 355. Abandonment of animals. 1. A person being the owner or posses-
9 sor, or having charge or custody of an animal, who abandons such animal,
10 or leaves it to die in a street, road or public place, or who allows
11 such animal, if it become disabled, to lie in a public street, road or
12 public place more than three hours after he receives notice that it is
13 left disabled, is guilty of a misdemeanor, punishable by imprisonment
14 for not more than one year, or by a fine of not more than one thousand
15 dollars, or by both.

16 2. NO PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION SHALL BE
17 ALLOWED TO ACCEPT OR REMAIN IN A POSITION AS A DOG CONTROL OFFICER,
18 ANIMAL CONTROL OFFICER, OR AS A PAID EMPLOYEE OR VOLUNTEER AT THE
19 FOLLOWING TYPES OF ESTABLISHMENTS: AN ANIMAL SHELTER, POUND, DULY INCOR-
20 PORATED HUMANE SOCIETY, DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION,
21 OR DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS,
22 ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION. FOR THE PURPOSES OF
23 THIS SUBDIVISION, THE TERM "VOLUNTEER" SHALL NOT INCLUDE ANYONE REQUIRED
24 BY COURT ORDER TO FULFILL A COMMUNITY SERVICE REQUIREMENT IN SERVICE AT
25 ANY ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY, DULY INCOR-
26 PORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR
27 THE PREVENTION OF CRUELTY TO ANIMALS. ANY DOG CONTROL OFFICER, ANIMAL
28 CONTROL OFFICER OR PAID EMPLOYEE OR VOLUNTEER FOUND IN VIOLATION OF THIS
29 SUBDIVISION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

30 S 5. This act shall take effect on the thirtieth day after it shall
31 have become a law.