

583--D

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 -- 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 ON AND AFTER THE EFFECTIVE DATE OF THIS
4 SUBDIVISION, OF A VIOLATION OF THIS SECTION SHALL BE ALLOWED TO ACCEPT
5 OR REMAIN IN A POSITION AS A DOG CONTROL OFFICER, ANIMAL CONTROL OFFI-
6 CER, OR AS A PAID EMPLOYEE OR VOLUNTEER AT THE FOLLOWING TYPES OF ESTAB-
7 LISHMENTS: AN ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY,
8 DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED
9 SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS. FOR THE PURPOSES OF
10 THIS SUBDIVISION, THE TERM "VOLUNTEER" SHALL NOT INCLUDE ANYONE REQUIRED
11 BY COURT ORDER TO FULFILL A COMMUNITY SERVICE REQUIREMENT IN SERVICE AT
12 ANY ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY, DULY INCOR-
13 PORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR
14 THE PREVENTION OF CRUELTY TO ANIMALS. ANY DOG CONTROL OFFICER, ANIMAL

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

LBD04880-09-3

1 CONTROL OFFICER OR PAID EMPLOYEE OR VOLUNTEER FOUND IN VIOLATION OF THIS
2 SUBDIVISION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

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

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

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

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

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

50 7. NO PERSON WHO IS CONVICTED ON AND AFTER THE EFFECTIVE DATE OF THIS
51 SUBDIVISION, OF A VIOLATION OF THIS SECTION SHALL BE ALLOWED TO ACCEPT
52 OR REMAIN IN A POSITION AS A DOG CONTROL OFFICER, ANIMAL CONTROL OFFI-
53 CER, OR AS A PAID EMPLOYEE OR VOLUNTEER AT THE FOLLOWING TYPES OF ESTAB-
54 LISHMENTS: AN ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY,
55 DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED
56 SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS. FOR THE PURPOSES OF

1 THIS SUBDIVISION, THE TERM "VOLUNTEER" SHALL NOT INCLUDE ANYONE REQUIRED
2 BY COURT ORDER TO FULFILL A COMMUNITY SERVICE REQUIREMENT IN SERVICE AT
3 ANY ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY, DULY INCOR-
4 PORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR
5 THE PREVENTION OF CRUELTY TO ANIMALS. ANY DOG CONTROL OFFICER, ANIMAL
6 CONTROL OFFICER OR PAID EMPLOYEE OR VOLUNTEER FOUND IN VIOLATION OF THIS
7 SUBDIVISION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

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

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

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

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