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I N   S E N A T E

January 9, 2014

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Introduced by Sens. BOYLE, VALESKY -- read twice and ordered printed,  
and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law and the penal law, in  
relation to promoting understanding, awareness and enforcement of  
animal crimes laws; and to repeal sections 351, 353, 353-a, 353-b,  
353-d, 355, 360, 361, 362 and subdivision 8 of section 374 of the  
agriculture and markets law relating thereto

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

1     Section 1.     Section 350 of the agriculture and markets law, as added  
2     by chapter 1047 of the laws of 1965, subdivision 3 as added by chapter  
3     619 of the laws of 1987, subdivision 4 as added by chapter 569 of the  
4     laws of 1995, subdivision 5 as amended by chapter 118 of the laws of  
5     1999, is amended to read as follows:  
6     S 350. Definitions. 1. "Animal[,]", as used in this article, includes  
7     every living creature except a human being;  
8     2. ["Torture" or "cruelty"] "CRUELTY" includes every act, omission, or  
9     neglect, whereby unjustifiable physical pain, suffering or death is  
10    caused or permitted AND SHALL INCLUDE BUT NOT BE LIMITED TO, ANY ACT OF  
11    OVERDRIVING, OVERLOADING, INJURING, MAIMING, MUTILATING OR KILLING AN  
12    ANIMAL.  
13    3. "TORTURE" MEANS CONDUCT THAT IS INTENDED TO CAUSE EXTREME PHYSICAL  
14    PAIN.  
15    4. "Adoption" means the delivery [to any natural person eighteen years  
16    of age or older, for the limited purpose of harboring a pet, of any dog  
17    or cat, seized or surrendered] OF ANY ANIMAL FORFEITED, SEIZED OR  
18    SURRENDERED, TO ANY NATURAL PERSON EIGHTEEN YEARS OF AGE OR OLDER, FOR  
19    THE PURPOSE OF THAT PERSON PERMANENTLY HARBORING SUCH ANIMAL AS A PET.  
20    [4]5. "Farm animal", as used in this article, means any ungulate,  
21    poultry, species of cattle, sheep, swine, goats, llamas, horses or fur-  
22    bearing animals, as defined in section 11-1907 of the environmental  
23    conservation law, which are raised for commercial or subsistence  
24    purposes. Fur-bearing animal, AS REFERENCED IN THIS ARTICLE, shall not  
25    include dogs or cats.

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

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1 [5]6. "Companion animal" or "pet" means any dog or cat, and shall also  
2 mean any other domesticated animal normally maintained in or near the  
3 household of the owner or person who cares for such other domesticated  
4 animal. ["Pet" or "companion"] "COMPANION animal" OR "PET" shall not  
5 include a "farm animal" as defined in this section.

6 7. "ANIMAL CRUELTY OFFENSE" MEANS ANY VIOLATION OF THIS ARTICLE OR OF  
7 ARTICLE TWO HUNDRED EIGHTY OF THE PENAL LAW, OR ANY OTHER UNLAWFUL ACT  
8 BY WHICH HARM IS INTENTIONALLY, KNOWINGLY, RECKLESSLY OR NEGLIGENTLY  
9 CAUSED OR PERMITTED TO OCCUR TO AN ANIMAL.

10 8. "DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO  
11 ANIMALS," AS USED IN THIS ARTICLE, SHALL MEAN A CORPORATION CONSTITUTED  
12 PURSUANT TO THE PROVISIONS OF SUBDIVISION (G) OF SECTION FOUR HUNDRED  
13 FOUR AND SECTION FOURTEEN HUNDRED THREE OF THE NOT-FOR-PROFIT CORPO-  
14 RATION LAW.

15 S 2. Sections 351, 353, 353-a, 353-b, 353-d, 355, 360, 361 and 362 of  
16 the agriculture and markets law are REPEALED.

17 S 3. Section 365 of the agriculture and markets law, as amended by  
18 chapter 458 of the laws of 1985, is amended to read as follows:

19 S 365. Clipping or cutting the ears of dogs. 1. Whoever clips or cuts  
20 off or causes or procures another to clip or cut off the whole or any  
21 part of an ear of any dog unless an anaesthetic shall have been given to  
22 the dog and the operation performed by a licensed veterinarian, is guilty  
23 of a misdemeanor, punishable by imprisonment for not more than one  
24 year, or a fine of not more than one thousand dollars, or by both.

25 2. [The provisions of this section shall not apply to any dog or  
26 person who is the owner or possessor of any dog whose ear or a part  
27 thereof has been clipped or cut off prior to September first, nineteen  
28 hundred twenty-nine.

29 3.] Each applicant for a dog license must state on such application  
30 whether any ear of the dog for which he applies for such license has  
31 been cut off wholly or in part.

32 [4.] 3. Nothing herein contained shall be construed as preventing any  
33 dog whose ear or ears shall have been clipped or cut off wholly or in  
34 part, not in violation of this section, from being imported into the  
35 state exclusively for breeding purposes.

36 S 4. Section 369 of the agriculture and markets law, as amended by  
37 chapter 458 of the laws of 1985, is amended to read as follows:

38 S 369. Interference with officers. Any person who shall interfere with  
39 or obstruct any constable or police officer or any officer or agent of  
40 any duly incorporated society for the prevention of cruelty to animals  
41 in the discharge of his duty to enforce the laws relating to animals,  
42 INCLUDING THOSE PROVISIONS CONTAINED IN ARTICLE TWO HUNDRED EIGHTY OF  
43 THE PENAL LAW, shall be guilty of a misdemeanor, punishable by imprison-  
44 ment for not more than one year, or by a fine of not more than one thou-  
45 sand dollars, or by both.

46 S 5. Section 371 of the agriculture and markets law, as amended by  
47 chapter 573 of the laws of 1978, is amended to read as follows:

48 S 371. Powers of peace officers. A constable or police officer must,  
49 and any agent or officer of any duly incorporated society for the  
50 prevention of cruelty to animals may issue an appearance ticket pursuant  
51 to section 150.20 of the criminal procedure law, summon or arrest, and  
52 bring before a court or magistrate having jurisdiction, any person  
53 offending against any of the provisions of article twenty-six of the  
54 agriculture and markets law OR ANY PROVISIONS OF ARTICLE TWO HUNDRED  
55 EIGHTY OF THE PENAL LAW. Any officer or agent of any of said societies  
56 may lawfully interfere to prevent the perpetration of any act of cruelty

1 upon any animal in his OR HER presence. Any of said societies may prefer  
2 a complaint before any court, tribunal or magistrate having jurisdic-  
3 tion, for the violation of any law relating to or affecting animals and  
4 may aid in presenting the law and facts before such court, tribunal or  
5 magistrate in any proceeding taken.

6 S 6. Subdivision 6 of section 373 of the agriculture and markets law,  
7 as amended by chapter 256 of the laws of 1997, paragraph a and subpara-  
8 graph 1 of paragraph b as amended by chapter 531 of the laws of 2013,  
9 subparagraph 2 of paragraph b as amended by section 24 of part T of  
10 chapter 59 of the laws of 2010, is amended to read as follows:

11 6. a. If any animal is seized [and] OR impounded pursuant to the  
12 provisions of this section, [section three hundred fifty-three-d of this  
13 article] or section three hundred seventy-five of this article, OR  
14 PURSUANT TO THE PROVISIONS OF ARTICLE SIX HUNDRED NINETY OF THE CRIMINAL  
15 PROCEDURE LAW, for any violation of this article, ANY VIOLATION OF ARTI-  
16 CLE TWO HUNDRED EIGHTY OF THE PENAL LAW OR IN CONNECTION WITH THE ARREST  
17 FOR AN ANIMAL CRUELTY OFFENSE, THEN, upon arraignment of charges, or  
18 within a reasonable time thereafter, [the] A duly incorporated society  
19 for the prevention of cruelty to animals, humane society, pound, animal  
20 shelter, SHERIFF, MUNICIPAL POLICE DEPARTMENT, DISTRICT ATTORNEY or any  
21 authorized agents thereof, hereinafter referred to for the purposes of  
22 this section as the "impounding organization", may file a petition with  
23 the court requesting that the person from whom an animal is seized or  
24 the owner of the animal be ordered to post a security. The district  
25 attorney prosecuting the charges may file and obtain the requested  
26 relief on behalf of the impounding organization if requested to do so by  
27 the impounding organization. The security shall be in an amount suffi-  
28 cient to secure payment for all reasonable expenses expected to be  
29 incurred by the impounding organization in caring and providing for the  
30 animal pending disposition of the charges. Reasonable expenses shall  
31 include, but not be limited to, estimated medical care and boarding of  
32 the animal for at least thirty days. The amount of the security, if any,  
33 shall be determined by the court after taking into consideration all of  
34 the facts and circumstances of the case including, but not limited to  
35 the recommendation of the impounding organization having custody and  
36 care of the seized animal and the cost of caring for the animal. If a  
37 security has been posted in accordance with this section, the impounding  
38 organization may draw from the security the actual reasonable costs to  
39 be incurred by such organization in caring for the seized animal.

40 b. (1) Upon receipt of a petition pursuant to paragraph a of this  
41 subdivision the court shall set a hearing on the petition to be  
42 conducted within ten business days of the filing of such petition. The  
43 petitioner shall serve a true copy of the petition upon the defendant  
44 and the district attorney if the district attorney has not filed the  
45 petition on behalf of the petitioner. The petitioner shall also serve a  
46 true copy of the petition on any interested person. For purposes of this  
47 subdivision, interested person shall mean an individual, partnership,  
48 firm, joint stock company, corporation, association, trust, estate or  
49 other legal entity who the court determines may have a pecuniary inter-  
50 est in the animal which is the subject of the petition. The petitioner  
51 or the district attorney acting on behalf of the petitioner, shall have  
52 the burden of proving by a preponderance of the evidence that the person  
53 from whom the animal was seized violated a provision of this article.  
54 The court may waive for good cause shown the posting of security.

55 (2) If the court orders the posting of a security, the security shall  
56 be posted with the clerk of the court within five business days of the

1 hearing provided for in subparagraph one of this paragraph. The court  
2 may order the immediate forfeiture of the seized animal to the impound-  
3 ing organization if the person ordered to post the security fails to do  
4 so. Any animal forfeited shall be made available for adoption or euthan-  
5 ized subject to subdivision seven-a of section one hundred seventeen of  
6 this chapter or section three hundred seventy-four of this article.

7 (3) In the case of an animal other than a companion animal or pet, if  
8 a person ordered to post security fails to do so, the court may, in  
9 addition to the forfeiture to [a duly incorporated society for the  
10 prevention of cruelty to animals, humane society, pound, animal shelter  
11 or any authorized agents thereof] THE IMPOUNDING ORGANIZATION, and  
12 subject to the restrictions of sections three hundred fifty-four, three  
13 hundred fifty-seven and three hundred seventy-four of this article,  
14 order the animal which was the basis of the order to be sold, provided  
15 that all interested persons shall first be provided the opportunity to  
16 redeem their interest in the animal and to purchase the interest of the  
17 person ordered to post security, subject to such conditions as the court  
18 deems appropriate to assure proper care and treatment of the animal. The  
19 court may reimburse the person ordered to post security and any inter-  
20 ested persons any money earned by the sale of the animal less any costs  
21 including, but not limited to, veterinary and custodial care. Any animal  
22 determined by the court to be maimed, diseased, disabled or infirm so as  
23 to be unfit for sale or any useful purpose shall be forfeited to [a duly  
24 incorporated society for the prevention of cruelty to animals or a duly  
25 incorporated humane society] THE IMPOUNDING ORGANIZATION or authorized  
26 agents thereof, and be available for adoption or shall be euthanized  
27 subject to section three hundred seventy-four of this article.

28 (4) Nothing in this section shall be construed to limit or restrict in  
29 any way the rights of a secured party having a security interest in any  
30 animal described in this section. This section expressly does not impair  
31 or subordinate the rights of such a secured lender having a security  
32 interest in the animal or in the proceeds from the sale of such animal.

33 c. In no event shall the security prevent the impounding organization  
34 having custody and care of the animal from disposing of the animal  
35 pursuant to section three hundred seventy-four of this article prior to  
36 the expiration of the thirty day period covered by the security if the  
37 court makes a determination of the charges against the person from whom  
38 the animal was seized prior thereto. Upon receipt of a petition from the  
39 impounding organization, the court may order the person from whom the  
40 animal was seized or the owner of the animal to post an additional secu-  
41 rity with the clerk of the court to secure payment of reasonable  
42 expenses for an additional period of time pending a determination by the  
43 court of the charges against the person from whom the animal was seized.  
44 The person who posted the security shall be entitled to a refund of the  
45 security in whole or part for any expenses not incurred by such impound-  
46 ing organization upon adjudication of the charges. The person who posted  
47 the security shall be entitled to a full refund of the security, includ-  
48 ing reimbursement by the impounding organization of any amount allowed  
49 by the court to be expended, and the return of the animal seized and  
50 impounded upon acquittal or dismissal of the charges, except where the  
51 dismissal is based upon an adjournment in contemplation of dismissal  
52 pursuant to section 215.30 of the criminal procedure law. The court  
53 order directing such refund and reimbursement shall provide for payment  
54 to be made within a reasonable time from the acquittal or dismissal of  
55 charges.

1 S 7. Subdivision 8 of section 374 of the agriculture and markets law  
2 is REPEALED.

3 S 8. The agriculture and markets law is amended by adding a new  
4 section 380 to read as follows:

5 S 380. SPECIAL SENTENCING PROVISIONS. IN ADDITION TO ANY OTHER PENAL-  
6 TY PROVIDED BY LAW, A COURT MAY IMPOSE THE FOLLOWING SENTENCES UPON A  
7 CONVICTION FOR ANY ANIMAL CRUELTY OFFENSE:

8 1. THE CONVICTED PERSON MAY, AFTER A DULY HELD HEARING PURSUANT TO  
9 SUBDIVISION SIX OF THIS SECTION, BE ORDERED BY THE COURT TO FORFEIT, TO  
10 AN ANIMAL SHELTER, POUND, SHERIFF, MUNICIPAL POLICE DEPARTMENT, DISTRICT  
11 ATTORNEY, A DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO  
12 ANIMALS OR A DULY INCORPORATED HUMANE SOCIETY OR AUTHORIZED AGENTS THERE-  
13 OF, THE ANIMAL OR ANIMALS WHICH ARE THE BASIS OF THE CONVICTION. UPON  
14 SUCH AN ORDER OF FORFEITURE, THE CONVICTED PERSON SHALL BE DEEMED TO  
15 HAVE RELINQUISHED ALL RIGHTS TO THE ANIMALS WHICH ARE THE BASIS OF THE  
16 CONVICTION, EXCEPT THOSE GRANTED IN SUBDIVISION TWO OF THIS SECTION.

17 2. IN THE CASE OF FARM ANIMALS, THE COURT MAY, IN ADDITION TO THE  
18 FORFEITURE TO AN ANIMAL SHELTER, POUND, SHERIFF, MUNICIPAL POLICE  
19 DEPARTMENT, DISTRICT ATTORNEY, A DULY INCORPORATED SOCIETY FOR THE  
20 PREVENTION OF CRUELTY TO ANIMALS OR A DULY INCORPORATED HUMANE SOCIETY  
21 OR AUTHORIZED AGENTS THEREOF, AND SUBJECT TO THE RESTRICTIONS OF  
22 SECTIONS THREE HUNDRED FIFTY-FOUR AND THREE HUNDRED FIFTY-SEVEN OF THIS  
23 ARTICLE, ORDER THE FARM ANIMALS WHICH WERE THE BASIS OF THE CONVICTION  
24 TO BE SOLD. IN NO CASE SHALL FARM ANIMALS WHICH ARE THE BASIS OF THE  
25 CONVICTION BE REDEEMED BY THE CONVICTED PERSON WHO IS THE SUBJECT OF THE  
26 ORDER OF FORFEITURE OR BY ANY PERSON CHARGED WITH AN ANIMAL CRUELTY  
27 OFFENSE FOR CONSPIRING, AIDING OR ABETTING IN THE UNLAWFUL ACT WHICH WAS  
28 THE BASIS OF THE CONVICTION, OR OTHERWISE ACTING AS AN ACCOMPLICE IF  
29 SUCH CHARGE HAS NOT YET BEEN ADJUDICATED. THE COURT SHALL REIMBURSE THE  
30 CONVICTED PERSON AND ANY DULY DETERMINED INTERESTED PERSONS, PURSUANT TO  
31 SUBDIVISION SIX OF THIS SECTION, ANY MONEY EARNED BY THE SALE OF THE  
32 FARM ANIMALS LESS ANY COSTS INCLUDING, BUT NOT LIMITED TO, VETERINARY  
33 AND CUSTODIAL CARE, AND ANY FINES OR PENALTIES IMPOSED BY THE COURT. THE  
34 COURT MAY ORDER THAT THE SUBJECT ANIMALS BE PROVIDED WITH APPROPRIATE  
35 CARE AND TREATMENT PENDING THE HEARING AND THE DISPOSITION OF THE CHARG-  
36 ES. ANY FARM ANIMAL ORDERED FORFEITED BUT NOT SOLD SHALL BE REMANDED TO  
37 THE CUSTODY AND CHARGE OF AN ANIMAL SHELTER, POUND, SHERIFF, MUNICIPAL  
38 POLICE DEPARTMENT, DISTRICT ATTORNEY, A DULY INCORPORATED SOCIETY FOR  
39 THE PREVENTION OF CRUELTY TO ANIMALS OR DULY INCORPORATED HUMANE SOCIETY  
40 OR ITS AUTHORIZED AGENT THEREOF AND DISPOSED OF PURSUANT TO SUBDIVISION  
41 FIVE OF THIS SECTION.

42 3. THE COURT MAY ORDER THAT THE CONVICTED PERSON SHALL NOT OWN,  
43 HARBOR, OR HAVE CUSTODY OR CONTROL OF ANY OTHER ANIMALS, OTHER THAN FARM  
44 ANIMALS, FOR A PERIOD OF TIME WHICH THE COURT DEEMS REASONABLE. IN  
45 MAKING ITS DETERMINATION OF WHAT PERIOD OF TIME IS REASONABLE, THE COURT  
46 SHALL TAKE INTO ACCOUNT THE TOTALITY OF THE CIRCUMSTANCES BEFORE IT AND  
47 BE BOUND TO NO SINGLE FACTOR. SUCH ORDER MUST BE IN WRITING AND SPECIF-  
48 ICALLY STATE THE PERIOD OF TIME IMPOSED.

49 4. NO DOG OR CAT IN THE CUSTODY OF A DULY INCORPORATED SOCIETY FOR  
50 THE PREVENTION OF CRUELTY TO ANIMALS, A DULY INCORPORATED HUMANE SOCIETY  
51 OR ITS AUTHORIZED AGENTS THEREOF, OR A POUND OR SHELTER, SHALL BE SOLD,  
52 TRANSFERRED OR OTHERWISE MADE AVAILABLE TO ANY PERSON FOR THE PURPOSE OF  
53 RESEARCH, EXPERIMENTATION OR TESTING. NO AUTHORIZED AGENT OF A DULY  
54 INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, NOR OF A  
55 DULY INCORPORATED HUMANE SOCIETY, SHALL USE ANY ANIMAL PLACED IN ITS  
56 CUSTODY BY THE DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY

1 TO ANIMALS OR DULY INCORPORATED HUMANE SOCIETY FOR THE PURPOSE OF  
2 RESEARCH, EXPERIMENTATION OR TESTING.

3 5. AN ANIMAL SHELTER, POUND, SHERIFF, MUNICIPAL POLICE DEPARTMENT,  
4 DISTRICT ATTORNEY, A DULY INCORPORATED SOCIETY FOR THE PREVENTION OF  
5 CRUELTY TO ANIMALS OR A DULY INCORPORATED HUMANE SOCIETY IN CHARGE OF  
6 ANIMALS FORFEITED PURSUANT TO SUBDIVISION ONE OR TWO OF THIS SECTION  
7 MAY, IN ITS DISCRETION, LAWFULLY AND WITHOUT LIABILITY, ADOPT THEM TO  
8 INDIVIDUALS OTHER THAN THE CONVICTED PERSON OR PERSON CHARGED WITH AN  
9 ANIMAL CRUELTY OFFENSE FOR CONSPIRING, AIDING OR ABETTING IN THE UNLAW-  
10 FUL ACT WHICH WAS THE BASIS OF THE CONVICTION, OR OTHERWISE ACTING AS AN  
11 ACCOMPLICE IF SUCH CHARGE HAS NOT YET BEEN ADJUDICATED, OR HUMANELY  
12 DISPOSE OF THEM SUBJECT TO SECTION THREE HUNDRED SEVENTY-FOUR OF THIS  
13 ARTICLE.

14 6. (A) PRIOR TO AN ORDER OF FORFEITURE OF FARM ANIMALS, A HEARING  
15 SHALL BE HELD WITHIN THIRTY DAYS OF CONVICTION TO DETERMINE THE PECUNI-  
16 ARY INTERESTS OF ANY OTHER PERSON IN THE FARM ANIMALS WHICH WERE THE  
17 BASIS OF THE CONVICTION. WRITTEN NOTICE SHALL BE SERVED AT LEAST FIVE  
18 DAYS PRIOR TO THE HEARING UPON ALL INTERESTED PERSONS. IN ADDITION,  
19 NOTICE SHALL BE MADE BY PUBLICATION IN A LOCAL NEWSPAPER AT LEAST SEVEN  
20 DAYS PRIOR TO THE HEARING. FOR THE PURPOSES OF THIS SUBDIVISION, INTER-  
21 ESTED PERSONS SHALL MEAN ANY INDIVIDUAL, PARTNERSHIP, FIRM, JOINT STOCK  
22 COMPANY, CORPORATION, ASSOCIATION, TRUST, ESTATE, OR OTHER LEGAL ENTITY  
23 WHO THE COURT DETERMINES MAY HAVE A PECUNIARY INTEREST IN THE FARM  
24 ANIMALS WHICH ARE THE SUBJECT OF THE FORFEITURE ACTION.

25 (B) ALL INTERESTED PERSONS SHALL BE PROVIDED AN OPPORTUNITY AT THE  
26 HEARING TO REDEEM THEIR INTEREST AS DETERMINED BY THE COURT IN THE  
27 SUBJECT FARM ANIMALS AND TO PURCHASE THE INTEREST OF THE CONVICTED  
28 PERSON. THE CONVICTED PERSON SHALL BE ENTITLED TO BE REIMBURSED HIS OR  
29 HER INTEREST IN THE FARM ANIMALS, LESS ANY COSTS, FINES OR PENALTIES  
30 IMPOSED BY THE COURT, AS SPECIFIED UNDER SUBDIVISION TWO OF THIS  
31 SECTION. IN NO CASE SHALL THE COURT AWARD CUSTODY OR CONTROL OF THE  
32 ANIMALS TO ANY INTERESTED PERSON WHO CONSPIRED, AIDED OR ABETTED IN THE  
33 UNLAWFUL ACT WHICH WAS THE BASIS OF THE CONVICTION, OR WHO KNEW OR  
34 SHOULD HAVE KNOWN OF THE UNLAWFUL ACT.

35 7. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT OR RESTRICT IN  
36 ANY WAY THE RIGHTS OF A SECURED PARTY HAVING A SECURITY INTEREST IN ANY  
37 FARM ANIMAL DESCRIBED IN THIS SECTION. THIS SECTION EXPRESSLY DOES NOT  
38 IMPAIR OR SUBORDINATE THE RIGHTS OF SUCH A SECURED LENDER HAVING A SECU-  
39 RITY INTEREST IN FARM ANIMALS OR IN THE PROCEEDS FROM THE SALE OF SUCH  
40 FARM ANIMALS.

41 S 9. Part 3 of the penal law is amended by adding a new title Q to  
42 read as follows:

43 TITLE Q

44 OFFENSES AGAINST ANIMALS

45 ARTICLE 280

46 OFFENSES AGAINST ANIMALS

47 SECTION 280.00 DEFINITIONS.

48 280.05 PROMOTING ANIMAL FIGHTING IN THE SECOND DEGREE.

49 280.10 PROMOTING ANIMAL FIGHTING IN THE FIRST DEGREE.

50 280.20 ANIMAL CRUELTY IN THE SECOND DEGREE.

51 280.25 ANIMAL CRUELTY IN THE FIRST DEGREE.

52 280.30 UNLAWFUL DEALING WITH ANIMALS USED FOR RACING, BREEDING,  
53 OR COMPETITIVE EXHIBITION OF SKILL, BREED OR STAMINA.

54 280.35 ENDANGERING THE WELFARE OF ANIMALS.

55 280.40 ANIMAL ABDUCTION IN THE THIRD DEGREE.

56 280.45 ANIMAL ABDUCTION IN THE SECOND DEGREE.

280.50 ANIMAL ABDUCTION IN THE FIRST DEGREE.

280.55 UNAUTHORIZED POSSESSION OF ANIMAL PRESUMPTIVE EVIDENCE OF  
RESTRAINT AND ABDUCTION.

280.60 APPROPRIATE SHELTER FOR DOGS LEFT OUTDOORS.

280.65 CONFINEMENT OF COMPANION ANIMALS IN VEHICLES; EXTREME  
TEMPERATURES.

280.70 LEAVING NEW YORK STATE TO AVOID PROVISIONS OF THIS ARTI-  
CLE.

280.75 EVIDENTIARY AND IMPOUNDMENT PROCEDURES BY MEMBERS OF LAW  
ENFORCEMENT.

280.80 SPECIAL SENTENCING PROVISIONS APPLICABLE.

S 280.00 DEFINITIONS.

THE FOLLOWING DEFINITIONS ARE APPLICABLE TO THIS ARTICLE:

1. "ANIMAL" INCLUDES EVERY LIVING CREATURE EXCEPT A HUMAN BEING.

2. "CRUELTY" INCLUDES EVERY ACT, OMISSION, OR NEGLECT, WHEREBY UNJUS-  
TIFIABLE PHYSICAL PAIN, SUFFERING OR DEATH IS CAUSED OR PERMITTED AND  
SHALL INCLUDE BUT NOT BE LIMITED TO, ANY ACT OF OVERDRIVING, OVERLOAD-  
ING, INJURING, MAIMING, MUTILATING, OR KILLING AN ANIMAL.

3. "AGGRAVATED CRUELTY" SHALL MEAN AN ACT OF CRUELTY THAT IS DONE OR  
CARRIED OUT IN A DEPRAVED OR SADISTIC MANNER.

4. "TORTURE" MEANS CONDUCT THAT IS INTENDED TO CAUSE EXTREME PAIN.

5. "ADOPTION" MEANS THE DELIVERY OF ANY ANIMAL, SEIZED OR SURRENDERED,  
TO ANY NATURAL PERSON EIGHTEEN YEARS OF AGE OR OLDER, FOR THE LIMITED  
PURPOSE OF HARBORING SUCH ANIMAL AS A PET.

6. "FARM ANIMAL" MEANS ANY UNGULATE, POULTRY, SPECIES OF CATTLE,  
SHEEP, SWINE, GOATS, LLAMAS, HORSES OR FUR-BEARING ANIMALS, AS DEFINED  
IN SECTION 11-1907 OF THE ENVIRONMENTAL CONSERVATION LAW, WHICH ARE  
RAISED FOR COMMERCIAL OR SUBSISTENCE PURPOSES. "FUR-BEARING ANIMAL"  
SHALL NOT INCLUDE DOGS OR CATS.

7. "COMPANION ANIMAL" OR "PET" MEANS ANY DOG OR CAT, AND SHALL ALSO  
MEAN ANY OTHER DOMESTICATED ANIMAL NORMALLY MAINTAINED IN OR NEAR THE  
HOUSEHOLD OF THE OWNER OR PERSON WHO CARES FOR SUCH OTHER DOMESTICATED  
ANIMAL. "COMPANION ANIMAL" OR "PET" SHALL NOT INCLUDE A "FARM ANIMAL" AS  
DEFINED IN THIS SECTION.

8. "ANIMAL FIGHTING" SHALL MEAN ANY FIGHT BETWEEN COCKS OR OTHER  
BIRDS, OR BETWEEN DOGS, BULLS, BEARS OR ANY OTHER ANIMALS, OR BETWEEN  
ANY SUCH ANIMAL AND A PERSON OR PERSONS, EXCEPT IN EXHIBITIONS OF A KIND  
COMMONLY FEATURED AT RODEOS.

9. "ABANDONS" MEANS ANY ACTION TAKEN THAT REFLECTS WILLFUL DEPARTURE  
FROM THE OWNERSHIP, POSSESSION, CARE, CONTROL, CHARGE OR CUSTODY OF AN  
ANIMAL, WITHOUT MAKING ADEQUATE PROVISIONS FOR THE ANIMAL'S FUTURE CARE.

10. "RESTRAIN" MEANS TO RESTRICT AN ANIMAL'S MOVEMENTS INTENTIONALLY  
AND UNLAWFULLY IN SUCH MANNER AS TO INTERFERE SUBSTANTIALLY WITH ITS  
LIBERTY BY MOVING IT FROM ONE PLACE TO ANOTHER, OR BY CONFINING IT  
EITHER IN THE PLACE WHERE THE RESTRICTION COMMENCES OR IN A PLACE TO  
WHICH IT HAS BEEN MOVED, WITH KNOWLEDGE THAT THE RESTRICTION IS UNLAW-  
FUL.

11. "ABDUCT" MEANS TO RESTRAIN AN ANIMAL WITH INTENT TO PREVENT ITS  
LIBERATION BY SECRETING OR HOLDING IT IN A PLACE WHERE IT IS NOT LIKELY  
TO BE FOUND.

12. "ANIMAL FIGHTING PARAPHERNALIA" SHALL MEAN EQUIPMENT, PRODUCTS, OR  
MATERIALS OF ANY KIND THAT ARE USED, INTENDED FOR USE, OR DESIGNED FOR  
USE IN THE TRAINING, PREPARATION, CONDITIONING OR FURTHERANCE OF ANIMAL  
FIGHTING. ANIMAL FIGHTING PARAPHERNALIA INCLUDES: (I) A BREAKING STICK,  
WHICH MEANS A DEVICE DESIGNED FOR INSERTION BEHIND THE MOLARS OF A DOG  
FOR THE PURPOSE OF BREAKING THE DOG'S GRIP ON ANOTHER ANIMAL OR OBJECT;

(II) A CAT MILL, WHICH MEANS A DEVICE THAT ROTATES AROUND A CENTRAL SUPPORT WITH ONE ARM DESIGNED TO SECURE A DOG AND ONE ARM DESIGNED TO SECURE A CAT, RABBIT, OR OTHER SMALL ANIMAL BEYOND THE GRASP OF THE DOG; (III) A TREADMILL, WHICH MEANS AN EXERCISE DEVICE CONSISTING OF AN ENDLESS BELT ON WHICH THE ANIMAL WALKS OR RUNS WITHOUT CHANGING PLACES; (IV) A SPRINGPOLE, WHICH MEANS A BITING SURFACE ATTACHED TO A STRETCHABLE DEVICE, SUSPENDED AT A HEIGHT SUFFICIENT TO PREVENT A DOG FROM REACHING THE BITING SURFACE WHILE TOUCHING THE GROUND; (V) A FIGHTING PIT, WHICH MEANS A WALLED AREA, OR OTHERWISE DEFINED AREA, DESIGNED TO CONTAIN AN ANIMAL FIGHT; AND (VI) ANY OTHER INSTRUMENT COMMONLY USED IN THE FURTHERANCE OF PITTING AN ANIMAL AGAINST ANOTHER ANIMAL.

S 280.05 PROMOTING ANIMAL FIGHTING IN THE SECOND DEGREE.

A PERSON IS GUILTY OF PROMOTING ANIMAL FIGHTING IN THE SECOND DEGREE WHEN SUCH PERSON:

1. OWNS, POSSESSES, OR KEEPS ANY ANIMAL UNDER ANY CIRCUMSTANCE EVINCING AN INTENT THAT SUCH ANIMAL ENGAGE IN ANIMAL FIGHTING; OR

2. PAYS AN ADMISSION FEE, MAKES A WAGER, OR IS OTHERWISE PRESENT AT ANY PLACE WHERE AN EXHIBITION OF ANIMAL FIGHTING IS BEING CONDUCTED, AND SUCH PERSON HAS KNOWLEDGE THAT SUCH AN EXHIBITION IS BEING CONDUCTED.

3. OWNS, POSSESSES, SELLS, TRANSFERS OR MANUFACTURES ANIMAL FIGHTING PARAPHERNALIA UNDER ANY CIRCUMSTANCE EVINCING AN INTENT THAT SUCH PARAPHERNALIA BE USED TO ENGAGE IN OR OTHERWISE PROMOTE OR FACILITATE ANIMAL FIGHTING.

PROMOTING ANIMAL FIGHTING IN THE SECOND DEGREE IS A CLASS A MISDEMEANOR.

S 280.10 PROMOTING ANIMAL FIGHTING IN THE FIRST DEGREE.

A PERSON IS GUILTY OF PROMOTING ANIMAL FIGHTING IN THE FIRST DEGREE WHEN SUCH PERSON:

1. INTENTIONALLY CAUSES AN ANIMAL TO ENGAGE IN ANIMAL FIGHTING; OR

2. TRAINS AN ANIMAL UNDER CIRCUMSTANCES EVINCING AN INTENT THAT SUCH ANIMAL ENGAGE IN ANIMAL FIGHTING; OR

3. BREEDS, TRANSFERS, SELLS OR OFFERS FOR SALE AN ANIMAL UNDER CIRCUMSTANCES EVINCING AN INTENT THAT SUCH ANIMAL ENGAGE IN ANIMAL FIGHTING; OR

4. PERMITS ANY ACT DESCRIBED IN SUBDIVISION ONE, TWO OR THREE OF THIS SECTION TO OCCUR ON PREMISES UNDER HIS OR HER CONTROL; OR

5. OWNS, POSSESSES OR KEEPS ANY ANIMAL ON PREMISES WHERE AN EXHIBITION OF ANIMAL FIGHTING IS BEING CONDUCTED UNDER CIRCUMSTANCES EVINCING AN INTENT THAT SUCH ANIMAL ENGAGE IN ANIMAL FIGHTING.

PROMOTING ANIMAL FIGHTING IN THE FIRST DEGREE IS A CLASS D FELONY.

S 280.20 ANIMAL CRUELTY IN THE SECOND DEGREE.

A PERSON IS GUILTY OF ANIMAL CRUELTY IN THE SECOND DEGREE WHEN:

1. HAVING OWNERSHIP, POSSESSION, CARE, CONTROL, CHARGE OR CUSTODY OF AN ANIMAL, HE OR SHE DEPRIVES SUCH ANIMAL OF, OR NEGLECTS TO FURNISH SUCH ANIMAL WITH, NUTRITION, HYDRATION, VETERINARY CARE, OR SHELTER ADEQUATE TO MAINTAIN THE ANIMAL'S HEALTH AND COMFORT, OR CAUSES, PROCURES, OR PERMITS SUCH ANIMAL TO BE DEPRIVED OF NUTRITION, HYDRATION, VETERINARY CARE, OR SHELTER ADEQUATE TO MAINTAIN THE ANIMAL'S HEALTH AND COMFORT, AND HE OR SHE KNOWS OR REASONABLY SHOULD KNOW THAT SUCH ANIMAL IS NOT RECEIVING ADEQUATE NUTRITION, HYDRATION, VETERINARY CARE OR SHELTER; OR

2. HAVING OWNERSHIP, POSSESSION, CARE, CONTROL, CHARGE OR CUSTODY OF AN ANIMAL, HE OR SHE ABANDONS SUCH ANIMAL; OR

3. HAVING NO JUSTIFIABLE PURPOSE, HE OR SHE KNOWINGLY INSTIGATES, ENGAGES IN, OR IN ANY WAY FURTHERS CRUELTY TO AN ANIMAL, OR ANY ACT TENDING TO PRODUCE SUCH CRUELTY; OR



1 4. HAVING NO JUSTIFIABLE PURPOSE, HE OR SHE ADMINISTERS OR EXPOSES ANY  
2 POISONOUS OR NOXIOUS DRUG OR SUBSTANCE TO AN ANIMAL, WITH INTENT THAT  
3 THE ANIMAL TAKE THE SAME AND WITH INTENT TO INJURE THE ANIMAL.

4 NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT OR  
5 INTERFERE IN ANY WAY WITH ANYONE LAWFULLY ENGAGED IN HUNTING, TRAPPING,  
6 OR FISHING, AS PROVIDED IN ARTICLE ELEVEN OF THE ENVIRONMENTAL CONSERVA-  
7 TION LAW, THE DISPATCH OF RABID OR DISEASED ANIMALS, AS PROVIDED IN  
8 ARTICLE TWENTY-ONE OF THE PUBLIC HEALTH LAW, OR THE DISPATCH OF ANIMALS  
9 POSING A THREAT TO HUMAN SAFETY OR OTHER ANIMALS, WHERE SUCH ACTION IS  
10 OTHERWISE LEGALLY AUTHORIZED. NOTHING HEREIN CONTAINED SHALL BE  
11 CONSTRUED TO PROHIBIT OR INTERFERE WITH ANY PROPERLY CONDUCTED SCIENTIF-  
12 IC TESTS, EXPERIMENTS, OR INVESTIGATIONS INVOLVING THE USE OF LIVING  
13 ANIMALS, PERFORMED OR CONDUCTED IN LABORATORIES OR INSTITUTIONS, WHICH  
14 ARE APPROVED FOR THESE PURPOSES BY THE STATE COMMISSIONER OF HEALTH. THE  
15 STATE COMMISSIONER OF HEALTH SHALL PRESCRIBE THE RULES UNDER WHICH SUCH  
16 APPROVALS SHALL BE GRANTED, INCLUDING THEREIN STANDARDS REGARDING THE  
17 CARE AND TREATMENT OF ANY SUCH ANIMALS. SUCH RULES SHALL BE PUBLISHED  
18 AND COPIES THEREOF CONSPICUOUSLY POSTED IN EACH SUCH LABORATORY OR  
19 INSTITUTION. THE STATE COMMISSIONER OF HEALTH OR HIS OR HER DULY AUTHOR-  
20 IZED REPRESENTATIVE SHALL HAVE THE POWER TO INSPECT SUCH LABORATORIES OR  
21 INSTITUTIONS TO INSURE COMPLIANCE WITH SUCH RULES AND STANDARDS. EACH  
22 SUCH APPROVAL MAY BE REVOKED AT ANY TIME FOR FAILURE TO COMPLY WITH SUCH  
23 RULES AND IN ANY CASE THE APPROVAL SHALL BE LIMITED TO A PERIOD NOT  
24 EXCEEDING ONE YEAR.

25 ANIMAL CRUELTY IN THE SECOND DEGREE IS A CLASS A MISDEMEANOR.

26 S 280.25 ANIMAL CRUELTY IN THE FIRST DEGREE.

27 A PERSON IS GUILTY OF ANIMAL CRUELTY IN THE FIRST DEGREE WHEN:

28 1. HAVING NO JUSTIFIABLE PURPOSE AND WITH INTENT TO CAUSE THE DEATH OF  
29 A COMPANION ANIMAL, HE OR SHE CAUSES THE DEATH OF SUCH ANIMAL; OR

30 2. HAVING NO JUSTIFIABLE PURPOSE AND WITH INTENT TO CAUSE SERIOUS  
31 PHYSICAL INJURY TO A COMPANION ANIMAL, HE OR SHE CAUSES SUCH INJURY TO  
32 SUCH ANIMAL; OR

33 3. HAVING NO JUSTIFIABLE PURPOSE, HE OR SHE INTENTIONALLY TORTURES AN  
34 ANIMAL OR KNOWINGLY INSTIGATES, ENGAGES IN, OR IN ANY WAY FURTHERS  
35 AGGRAVATED CRUELTY TO AN ANIMAL, OR ANY ACT TENDING TO PRODUCE SUCH  
36 AGGRAVATED CRUELTY; OR

37 4. COMMITS THE CRIME OF ANIMAL CRUELTY IN THE SECOND DEGREE IN  
38 VIOLATION OF SUBDIVISION FOUR OF SECTION 280.20 OF THIS ARTICLE AND SUCH  
39 ANIMAL IS A HORSE, MULE, OR DOMESTIC CATTLE; OR

40 5. COMMITS THE CRIME OF ANIMAL CRUELTY IN THE SECOND DEGREE IN  
41 VIOLATION OF SECTION 280.20 OF THIS ARTICLE AND HAS PREVIOUSLY BEEN  
42 CONVICTED, WITHIN THE PRECEDING TEN YEARS, OF ANIMAL CRUELTY IN THE  
43 SECOND DEGREE.

44 NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT OR  
45 INTERFERE IN ANY WAY WITH ANYONE LAWFULLY ENGAGED IN HUNTING, TRAPPING,  
46 OR FISHING, AS PROVIDED IN ARTICLE ELEVEN OF THE ENVIRONMENTAL CONSERVA-  
47 TION LAW, THE DISPATCH OF RABID OR DISEASED ANIMALS, AS PROVIDED IN  
48 ARTICLE TWENTY-ONE OF THE PUBLIC HEALTH LAW, OR THE DISPATCH OF ANIMALS  
49 POSING A THREAT TO HUMAN SAFETY OR OTHER ANIMALS, WHERE SUCH ACTION IS  
50 OTHERWISE LEGALLY AUTHORIZED, OR ANY PROPERLY CONDUCTED SCIENTIFIC  
51 TESTS, EXPERIMENTS, OR INVESTIGATIONS INVOLVING THE USE OF LIVING  
52 ANIMALS, PERFORMED OR CONDUCTED IN LABORATORIES OR INSTITUTIONS APPROVED  
53 FOR SUCH PURPOSES BY THE COMMISSIONER OF HEALTH PURSUANT TO SECTION  
54 280.20 OF THIS ARTICLE.

55 ANIMAL CRUELTY IN THE FIRST DEGREE IS A CLASS D FELONY.

1 S 280.30 UNLAWFUL DEALING WITH ANIMALS USED FOR RACING, BREEDING, OR  
2 COMPETITIVE EXHIBITION OF SKILL, BREED OR STAMINA.

3 A PERSON IS GUILTY OF UNLAWFUL DEALING WITH ANIMALS USED FOR RACING,  
4 BREEDING, OR COMPETITIVE EXHIBITION OF SKILL, BREED, OR STAMINA WHEN  
5 SUCH PERSON:

6 1. COMMITS THE CRIME OF ANIMAL CRUELTY IN THE SECOND DEGREE IN  
7 VIOLATION OF SECTION 280.20 OF THIS ARTICLE, AND SUCH ANIMAL IS AN  
8 ANIMAL USED FOR THE PURPOSES OF RACING, BREEDING OR COMPETITIVE EXHIBI-  
9 TION OF SKILL, BREED, OR STAMINA; OR

10 2. HAVING NO JUSTIFIABLE PURPOSE, HE OR SHE TAMPERS WITH AN ANIMAL  
11 USED FOR THE PURPOSES OF RACING, BREEDING, OR COMPETITIVE EXHIBITION OF  
12 SKILL, BREED, OR STAMINA, OR OTHERWISE INTERFERES WITH SUCH AN ANIMAL  
13 DURING A RACE OR COMPETITIVE EXHIBITION OF SKILL, BREED, OR STAMINA.

14 UNLAWFUL DEALING WITH ANIMALS USED FOR RACING, BREEDING OR COMPETITIVE  
15 EXHIBITION OF SKILL, BREED OR STAMINA IS A CLASS E FELONY.

16 S 280.35 ENDANGERING THE WELFARE OF ANIMALS.

17 A PERSON IS GUILTY OF ENDANGERING THE WELFARE OF ANIMALS WHEN, WITH  
18 THE INTENT TO CAUSE INJURY TO AN ANIMAL, OR RECKLESSLY CREATING A RISK  
19 THEREOF, SUCH PERSON:

20 1. CREATES A HAZARDOUS OR PHYSICALLY OFFENSIVE CONDITION FOR ANY  
21 ANIMAL BY ANY ACT THAT SERVES NO LEGITIMATE PURPOSE; OR

22 2. THROWS, DROPS OR PLACES, OR CAUSES TO BE THROWN, DROPPED OR PLACED  
23 IN A PUBLIC PLACE, A SUBSTANCE THAT MIGHT WOUND, DISABLE, OR INJURE ANY  
24 ANIMAL.

25 ENDANGERING THE WELFARE OF ANIMALS IS A VIOLATION.

26 S 280.40 ANIMAL ABDUCTION IN THE THIRD DEGREE.

27 A PERSON IS GUILTY OF ANIMAL ABDUCTION IN THE THIRD DEGREE WHEN SUCH  
28 PERSON RESTRAINS A COMPANION ANIMAL WITHOUT THE CONSENT OF THE INDIVID-  
29 UAL HAVING OWNERSHIP, POSSESSION, CARE, CONTROL, CHARGE OR CUSTODY OVER  
30 SAID COMPANION ANIMAL.

31 ANIMAL ABDUCTION IN THE THIRD DEGREE IS A CLASS B MISDEMEANOR.

32 S 280.45 ANIMAL ABDUCTION IN THE SECOND DEGREE.

33 A PERSON IS GUILTY OF ANIMAL ABDUCTION IN THE SECOND DEGREE WHEN SUCH  
34 PERSON ABDUCTS A COMPANION ANIMAL WITHOUT THE CONSENT OF THE INDIVIDUAL  
35 HAVING OWNERSHIP, POSSESSION, CARE, CONTROL, CHARGE OR CUSTODY OVER SAID  
36 COMPANION ANIMAL.

37 ANIMAL ABDUCTION IN THE SECOND DEGREE IS A CLASS A MISDEMEANOR.

38 S 280.50 ANIMAL ABDUCTION IN THE FIRST DEGREE.

39 A PERSON IS GUILTY OF ANIMAL ABDUCTION IN THE FIRST DEGREE WHEN SUCH  
40 PERSON ABDUCTS OR RESTRAINS A COMPANION ANIMAL WITHOUT THE CONSENT OF  
41 THE INDIVIDUAL HAVING OWNERSHIP, POSSESSION, CARE, CONTROL, CHARGE OR  
42 CUSTODY OVER SAID COMPANION ANIMAL, AND WHEN:

43 1. SUCH PERSON'S INTENT IS TO COMPEL THE PAYMENT OR DELIVERANCE OF  
44 MONEY OR PROPERTY AS RANSOM, OR TO ENGAGE IN OTHER PARTICULAR CONDUCT,  
45 OR TO REFRAIN FROM ENGAGING IN PARTICULAR CONDUCT; OR

46 2. SUCH PERSON CAUSES PHYSICAL INJURY TO THE COMPANION ANIMAL; OR

47 3. THE COMPANION ANIMAL DIES DURING THE ABDUCTION OR BEFORE IT IS ABLE  
48 TO RETURN OR BE RETURNED TO SAFETY. SUCH DEATH SHALL BE PRESUMED FROM  
49 EVIDENCE THAT THE INDIVIDUAL HAVING OWNERSHIP, POSSESSION, CARE,  
50 CONTROL, CHARGE OR CUSTODY OVER SAID COMPANION ANIMAL DID NOT SEE THE  
51 ANIMAL FOLLOWING THE TERMINATION OF THE ABDUCTION AND PRIOR TO TRIAL AND  
52 RECEIVED NO RELIABLE INFORMATION DURING SUCH PERIOD PERSUASIVELY INDI-  
53 CATING THAT SUCH ANIMAL WAS ALIVE.

54 ANIMAL ABDUCTION IN THE FIRST DEGREE IS A CLASS D FELONY.

55 S 280.55 UNAUTHORIZED POSSESSION OF ANIMAL PRESUMPTIVE EVIDENCE OF  
56 RESTRAINT AND ABDUCTION.

1 THE UNAUTHORIZED POSSESSION OF A COMPANION ANIMAL BY ANY PERSON WITH-  
2 OUT THE CONSENT OF THE INDIVIDUAL HAVING OWNERSHIP, POSSESSION, CARE,  
3 CONTROL, CHARGE OR CUSTODY OVER SAID COMPANION ANIMAL, FOR A PERIOD  
4 EXCEEDING TEN DAYS, WITHOUT NOTIFYING EITHER SAID INDIVIDUAL, THE LOCAL  
5 POLICE AUTHORITIES, THE LOCAL MUNICIPAL SHELTER OR POUND OR THE OFFICE  
6 OF THE SUPERINTENDENT OF THE STATE POLICE LOCATED IN ALBANY, NEW YORK,  
7 OF SUCH POSSESSION, SHALL BE PRESUMPTIVE EVIDENCE OF RESTRAINT AND  
8 ABDUCTION.

9 S 280.60 APPROPRIATE SHELTER FOR DOGS LEFT OUTDOORS.

10 1. FOR PURPOSES OF THIS SECTION:

11 (A) "PHYSICAL CONDITION" SHALL INCLUDE ANY SPECIAL MEDICAL NEEDS OF A  
12 DOG DUE TO DISEASE, ILLNESS, INJURY, AGE OR BREED ABOUT WHICH THE OWNER  
13 OR PERSON WITH CUSTODY OR CONTROL OF THE DOG SHOULD REASONABLY BE AWARE.

14 (B) "INCLEMENT WEATHER" SHALL MEAN WEATHER CONDITIONS THAT ARE LIKELY  
15 TO ADVERSELY AFFECT THE HEALTH OR SAFETY OF THE DOG, INCLUDING BUT NOT  
16 LIMITED TO RAIN, SLEET, ICE, SNOW, WIND, OR EXTREME HEAT AND COLD.

17 (C) "DOGS THAT ARE LEFT OUTDOORS" SHALL MEAN DOGS THAT ARE OUTDOORS IN  
18 INCLEMENT WEATHER WITHOUT READY ACCESS TO, OR THE ABILITY TO ENTER, A  
19 HOUSE, APARTMENT BUILDING, OFFICE BUILDING, OR ANY OTHER PERMANENT  
20 STRUCTURE THAT COMPLIES WITH THE STANDARDS ENUMERATED IN PARAGRAPH (B)  
21 OF SUBDIVISION THREE OF THIS SECTION.

22 2. (A) ANY PERSON WHO OWNS OR HAS CUSTODY OR CONTROL OF A DOG THAT IS  
23 LEFT OUTDOORS SHALL PROVIDE IT WITH SHELTER APPROPRIATE TO ITS BREED,  
24 PHYSICAL CONDITION AND CLIMATE. ANY PERSON WHO KNOWINGLY VIOLATES THE  
25 PROVISIONS OF THIS SECTION SHALL BE GUILTY OF A VIOLATION, PUNISHABLE BY  
26 A FINE OF NOT LESS THAN FIFTY DOLLARS NOR MORE THAN ONE HUNDRED DOLLARS  
27 FOR A FIRST OFFENSE, AND A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS NOR  
28 MORE THAN TWO HUNDRED FIFTY DOLLARS FOR A SECOND AND SUBSEQUENT OFFENSE.  
29 BEGINNING SEVENTY-TWO HOURS AFTER A CHARGE OF VIOLATING THIS SECTION,  
30 EACH DAY THAT A DEFENDANT FAILS TO CORRECT THE DEFICIENCIES IN THE DOG  
31 SHELTER FOR A DOG THAT HE OR SHE OWNS OR THAT IS IN HIS OR HER CUSTODY  
32 OR CONTROL AND THAT IS LEFT OUTDOORS, SO AS TO BRING IT INTO COMPLIANCE  
33 WITH THE PROVISIONS OF THIS SECTION SHALL CONSTITUTE A SEPARATE OFFENSE.

34 (B) THE COURT MAY, IN ITS DISCRETION, REDUCE THE AMOUNT OF ANY FINE  
35 IMPOSED FOR A VIOLATION OF THIS SECTION BY THE AMOUNT WHICH THE DEFEND-  
36 ANT PROVES HE OR SHE HAS SPENT PROVIDING A DOG SHELTER OR REPAIRING AN  
37 EXISTING DOG SHELTER SO THAT IT COMPLIES WITH THE REQUIREMENTS OF THIS  
38 SECTION. NOTHING IN THIS PARAGRAPH SHALL PREVENT THE SEIZURE OF A DOG  
39 FOR A VIOLATION OF THIS SECTION PURSUANT TO THE AUTHORITY GRANTED IN  
40 THIS ARTICLE.

41 3. MINIMUM STANDARDS FOR DETERMINING WHETHER SHELTER IS APPROPRIATE TO  
42 A DOG'S BREED, PHYSICAL CONDITION AND THE CLIMATE SHALL INCLUDE:

43 (A) FOR DOGS THAT ARE RESTRAINED IN ANY MANNER OUTDOORS, SHADE BY  
44 NATURAL OR ARTIFICIAL MEANS TO PROTECT THE DOG FROM DIRECT SUNLIGHT AT  
45 ALL TIMES WHEN EXPOSURE TO SUNLIGHT IS LIKELY TO THREATEN THE HEALTH OF  
46 THE DOG.

47 (B) FOR ALL DOGS THAT ARE LEFT OUTDOORS IN INCLEMENT WEATHER, A HOUS-  
48 ING FACILITY, WHICH MUST: (1) HAVE A WATERPROOF ROOF; (2) BE STRUC-  
49 TURALLY SOUND WITH INSULATION APPROPRIATE TO LOCAL CLIMATIC CONDITIONS  
50 AND SUFFICIENT TO PROTECT THE DOG FROM INCLEMENT WEATHER; (3) BE  
51 CONSTRUCTED TO ALLOW EACH DOG ADEQUATE FREEDOM OF MOVEMENT TO MAKE  
52 NORMAL POSTURAL ADJUSTMENTS, INCLUDING THE ABILITY TO STAND UP, TURN  
53 AROUND AND LIE DOWN WITH ITS LIMBS OUTSTRETCHED; AND (4) ALLOW FOR  
54 EFFECTIVE REMOVAL OF EXCRETIONS, OTHER WASTE MATERIAL, DIRT AND TRASH.  
55 THE HOUSING FACILITY AND THE AREA IMMEDIATELY SURROUNDING IT SHALL BE

1 REGULARLY CLEANED TO MAINTAIN A HEALTHY AND SANITARY ENVIRONMENT AND TO  
2 MINIMIZE HEALTH HAZARDS.

3 4. INADEQUATE SHELTER MAY BE INDICATED BY THE APPEARANCE OF THE HOUS-  
4 ING FACILITY ITSELF, INCLUDING BUT NOT LIMITED TO, SIZE, STRUCTURAL  
5 SOUNDNESS, EVIDENCE OF CROWDING WITHIN THE HOUSING FACILITY, HEALTHFUL  
6 ENVIRONMENT IN THE AREA IMMEDIATELY SURROUNDING SUCH FACILITY, OR BY THE  
7 APPEARANCE OR PHYSICAL CONDITION OF THE DOG.

8 5. UPON A FINDING OF ANY VIOLATION OF THIS SECTION, ANY DOG OR DOGS  
9 SEIZED PURSUANT TO THE PROVISIONS OF THIS ARTICLE THAT HAVE NOT BEEN  
10 VOLUNTARILY SURRENDERED BY THE OWNER OR CUSTODIAN OR FORFEITED PURSUANT  
11 TO COURT ORDER SHALL BE RETURNED TO THE OWNER OR CUSTODIAN ONLY UPON  
12 PROOF THAT APPROPRIATE SHELTER AS REQUIRED BY THIS SECTION IS BEING  
13 PROVIDED.

14 6. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT ANY  
15 PROTECTIONS AFFORDED TO DOGS OR OTHER ANIMALS UNDER ANY OTHER PROVISIONS  
16 OF THIS ARTICLE.

17 FAILURE TO PROVIDE APPROPRIATE SHELTER FOR DOGS LEFT OUTDOORS IS A  
18 VIOLATION.

19 S 280.65 CONFINEMENT OF COMPANION ANIMALS IN VEHICLES; EXTREME TEMPER-  
20 ATURES.

21 1. A PERSON SHALL NOT CONFINE A COMPANION ANIMAL IN A MOTOR VEHICLE IN  
22 EXTREME HEAT OR COLD WITHOUT PROPER VENTILATION OR OTHER PROTECTION FROM  
23 SUCH EXTREME TEMPERATURES WHERE SUCH CONFINEMENT PLACES THE COMPANION  
24 ANIMAL IN IMMINENT DANGER OF DEATH OR SERIOUS PHYSICAL INJURY DUE TO  
25 EXPOSURE TO SUCH EXTREME HEAT OR COLD.

26 2. WHERE THE OPERATOR OF SUCH A VEHICLE CANNOT BE PROMPTLY LOCATED, A  
27 POLICE OFFICER, PEACE OFFICER, OR PEACE OFFICER ACTING AS AN AGENT OF A  
28 DULY INCORPORATED HUMANE SOCIETY MAY TAKE NECESSARY STEPS TO REMOVE THE  
29 ANIMAL OR ANIMALS FROM THE VEHICLE.

30 3. POLICE OFFICERS, PEACE OFFICERS OR PEACE OFFICERS ACTING AS AGENTS  
31 OF A DULY INCORPORATED HUMANE SOCIETY REMOVING AN ANIMAL OR ANIMALS FROM  
32 A VEHICLE PURSUANT TO THIS SECTION SHALL PLACE A WRITTEN NOTICE ON OR IN  
33 THE VEHICLE, BEARING THE NAME OF THE OFFICER OR AGENT, AND THE DEPART-  
34 MENT OR AGENCY AND ADDRESS WHERE THE ANIMAL OR ANIMALS WILL BE TAKEN.

35 4. AN ANIMAL OR ANIMALS REMOVED FROM A VEHICLE PURSUANT TO THIS  
36 SECTION SHALL, AFTER RECEIPT OF ANY NECESSARY EMERGENCY VETERINARY  
37 TREATMENT, BE DELIVERED TO THE DULY INCORPORATED HUMANE SOCIETY OR SOCI-  
38 ETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, OR DESIGNATED AGENT THERE-  
39 OF, IN THE JURISDICTION WHERE THE ANIMAL OR ANIMALS WERE SEIZED.

40 5. ANY PERSON WHO KNOWINGLY VIOLATES THE PROVISIONS OF SUBDIVISION ONE  
41 OF THIS SECTION SHALL BE GUILTY OF A VIOLATION, PUNISHABLE BY A FINE OF  
42 NOT LESS THAN FIFTY DOLLARS NOR MORE THAN ONE HUNDRED DOLLARS FOR A  
43 FIRST OFFENSE, AND A FINE OF NOT LESS THAN ONE HUNDRED DOLLARS NOR MORE  
44 THAN TWO HUNDRED FIFTY DOLLARS FOR A SECOND AND SUBSEQUENT OFFENSES.

45 6. OFFICERS SHALL NOT BE HELD CRIMINALLY OR CIVILLY LIABLE FOR ACTIONS  
46 TAKEN REASONABLY AND IN GOOD FAITH IN CARRYING OUT THE PROVISIONS OF  
47 THIS SECTION.

48 7. NOTHING CONTAINED IN THIS SECTION SHALL BE CONSTRUED TO AFFECT ANY  
49 OTHER PROTECTIONS AFFORDED TO COMPANION ANIMALS UNDER ANY OTHER  
50 PROVISIONS OF THIS ARTICLE.

51 CONFINEMENT OF COMPANION ANIMALS IN VEHICLES; EXTREME TEMPERATURES IS  
52 A VIOLATION.

53 S 280.70 LEAVING NEW YORK STATE TO AVOID PROVISIONS OF THIS ARTICLE.

54 A PERSON WHO LEAVES THIS STATE WITH INTENT TO ELUDE ANY OF THE  
55 PROVISIONS OF THIS ARTICLE OR TO COMMIT ANY ACT OUT OF THIS STATE WHICH  
56 IS PROHIBITED BY THEM OR WHO, BEING A RESIDENT OF THIS STATE, DOES ANY

1 ACT WITHOUT THIS STATE, PURSUANT TO SUCH INTENT, WHICH WOULD BE PUNISHA-  
2 BLE UNDER SUCH PROVISIONS, IF COMMITTED WITHIN THIS STATE, IS PUNISHABLE  
3 IN THE SAME MANNER AS IF SUCH ACT HAD BEEN COMMITTED WITHIN THIS STATE.  
4 S 280.75 EVIDENTIARY AND IMPOUNDMENT PROCEDURES BY MEMBERS OF LAW  
5 ENFORCEMENT.

6 MATTERS RELATING TO THE SEIZURE, ADOPTION, CARE, DISPOSITION AND  
7 DESTRUCTION OF ANIMALS BY MEMBERS OF LAW ENFORCEMENT AND MEMBERS OF A  
8 DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS  
9 CHARGED TO ENFORCE THIS ARTICLE, ANCILLARY TO SUCH ENFORCEMENT OF THIS  
10 ARTICLE, SHALL BE GOVERNED BY ARTICLE TWENTY-SIX OF THE AGRICULTURE AND  
11 MARKETS LAW AND ARTICLE SIX HUNDRED NINETY OF THE CRIMINAL PROCEDURE  
12 LAW.

13 S 280.80 SPECIAL SENTENCING PROVISIONS APPLICABLE.

14 IN ADDITION TO ANY OTHER PENALTY PROVIDED BY LAW, THE SENTENCING  
15 PROVISIONS CONTAINED IN SECTION THREE HUNDRED EIGHTY OF THE AGRICULTURE  
16 AND MARKETS LAW SHALL BE APPLICABLE TO VIOLATIONS OF THIS ARTICLE.

17 S 10. The penal law is amended by adding a new section 60.22 to read  
18 as follows:

19 S 60.22 AUTHORIZED DISPOSITIONS; PROMOTING ANIMAL FIGHTING.

20 WHEN A PERSON IS CONVICTED OF AN OFFENSE DEFINED IN SECTION 280.05 OF  
21 THIS CHAPTER, IN ADDITION TO THE OTHER PENALTIES AS PROVIDED IN THIS  
22 CHAPTER, THE COURT MAY IMPOSE A FINE WHICH SHALL NOT EXCEED FIFTEEN  
23 THOUSAND DOLLARS. WHEN A PERSON IS CONVICTED OF AN OFFENSE DEFINED IN  
24 SECTION 280.10 OF THIS CHAPTER, THE COURT MAY IMPOSE A FINE WHICH SHALL  
25 NOT EXCEED TWENTY-FIVE THOUSAND DOLLARS.

26 S 11. Paragraph (c) of subdivision 1 of section 70.02 of the penal  
27 law, as amended by chapter 1 of the laws of 2013, is amended to read as  
28 follows:

29 (c) Class D violent felony offenses: an attempt to commit any of the  
30 class C felonies set forth in paragraph (b); reckless assault of a child  
31 as defined in section 120.02, assault in the second degree as defined in  
32 section 120.05, menacing a police officer or peace officer as defined in  
33 section 120.18, stalking in the first degree, as defined in subdivision  
34 one of section 120.60, strangulation in the second degree as defined in  
35 section 121.12, rape in the second degree as defined in section 130.30,  
36 criminal sexual act in the second degree as defined in section 130.45,  
37 sexual abuse in the first degree as defined in section 130.65, course of  
38 sexual conduct against a child in the second degree as defined in  
39 section 130.80, aggravated sexual abuse in the third degree as defined  
40 in section 130.66, facilitating a sex offense with a controlled  
41 substance as defined in section 130.90, criminal possession of a weapon  
42 in the third degree as defined in subdivision five, six, seven, eight,  
43 nine or ten of section 265.02, criminal sale of a firearm in the third  
44 degree as defined in section 265.11, intimidating a victim or witness in  
45 the second degree as defined in section 215.16, soliciting or providing  
46 support for an act of terrorism in the second degree as defined in  
47 section 490.10, and making a terroristic threat as defined in section  
48 490.20, falsely reporting an incident in the first degree as defined in  
49 section 240.60, placing a false bomb or hazardous substance in the first  
50 degree as defined in section 240.62, placing a false bomb or hazardous  
51 substance in a sports stadium or arena, mass transportation facility or  
52 enclosed shopping mall as defined in section 240.63, [and] aggravated  
53 unpermitted use of indoor pyrotechnics in the first degree as defined in  
54 section 405.18, AND ANIMAL CRUELTY IN THE FIRST DEGREE AS DEFINED IN  
55 SUBDIVISION ONE, TWO OR THREE OF SECTION 280.25.

1 S 12. Section 195.06 of the penal law, as added by chapter 42 of the  
2 laws of 1986, is amended to read as follows:

3 S 195.06 Killing or injuring a police animal.

4 A person is guilty of killing or injuring a police animal when such  
5 person intentionally kills or injures any animal while such animal is in  
6 the performance of its duties and under the supervision of a police or  
7 peace officer.

8 Killing or injuring a police animal is a class [A misdemeanor] D Felo-  
9 NY.

10 S 13. Section 195.11 of the penal law, as added by chapter 344 of the  
11 laws of 1989, is amended to read as follows:

12 S 195.11 Harming an animal trained to aid a person with a disability in  
13 the second degree.

14 A person is guilty of harming an animal trained to aid a person with a  
15 disability in the second degree when such person intentionally causes  
16 physical injury to such animal while it is in the performance of aiding  
17 a person with a disability, and thereby renders such animal incapable of  
18 providing such aid to such person, or to another person with a disabili-  
19 ty.

20 For purposes of this section and section 195.12 of this article, the  
21 term "disability" means "disability" as defined in subdivision twenty-  
22 one of section two hundred ninety-two of the executive law.

23 Harming an animal trained to aid a person with a disability in the  
24 second degree is a class [B] A misdemeanor.

25 S 14. Section 195.12 of the penal law, as added by chapter 344 of the  
26 laws of 1989, is amended to read as follows:

27 S 195.12 Harming an animal trained to aid a person with a disability in  
28 the first degree.

29 A person is guilty of harming an animal trained to aid a person with a  
30 disability in the first degree when such person:

31 1. intentionally causes physical injury to such animal while it is in  
32 the performance of aiding a person with a disability, and thereby  
33 renders such animal permanently incapable of providing such aid to such  
34 person, or to another person with a disability; or

35 2. intentionally kills such animal while it is in the performance of  
36 aiding a person with a disability.

37 Harming an animal trained to aid a person with a disability in the  
38 first degree is a class [A misdemeanor] D FELONY.

39 S 15. Subdivision 2 of section 265.01 of the penal law, as amended by  
40 chapter 1 of the laws of 2013, is amended to read as follows:

41 (2) He OR SHE possesses any dagger, dangerous knife, dirk, razor,  
42 stiletto, imitation pistol, or any other dangerous or deadly instrument  
43 or weapon with intent to use the same unlawfully against another PERSON  
44 OR AN ANIMAL; or

45 S 16. Severability clause. If any clause, sentence, paragraph, subdi-  
46 vision, section or part of this act shall be adjudged by any court of  
47 competent jurisdiction to be invalid, such judgment shall not affect,  
48 impair, or invalidate the remainder thereof, but shall be confined in  
49 its operation to the clause, sentence, paragraph, subdivision, section  
50 or part thereof directly involved in the controversy in which such judg-  
51 ment shall have been rendered. It is hereby declared to be the intent of  
52 the legislature that this act would have been enacted even if such  
53 invalid provisions had not been included herein.

54 S 17. This act shall take effect on the first of November next  
55 succeeding the date on which it shall have become a law; provided that  
56 if chapter 531 of the laws of 2013 is not in effect on such date then

1 the amendments to paragraph a and subparagraph 1 of paragraph b of  
2 subdivision 6 of section 373 of the agriculture and markets law, made by  
3 section six of this act, shall take effect on the same date and in the  
4 same manner as chapter 531 of the laws of 2013 takes effect.