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

1083

2013-2014 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 9, 2013

Introduced by M. of A. ROSENTHAL, MILLER -- read once and referred to the Committee on Judiciary

AN ACT to amend the agriculture and markets law, in relation to the care and collection of animals on vacant property

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

Section 1. Section 373 of the agriculture and markets law is amended by adding a new subdivision 2-a to read as follows:

2-A. A. NOTWITHSTANDING SECTIONS THIRTEEN HUNDRED SEVEN AND NINETEEN HUNDRED SEVENTY-ONE OF THE REAL PROPERTY ACTIONS AND PROCEEDINGS LAW OR ANY OTHER PROVISION OF LAW TO THE CONTRARY, ANY PERSON OR ENTITY WHO IS AUTHORIZED TO BE ON PROPERTY THAT HAS BEEN VACATED AS A RESULT OF AN EVICTION, PROPERTY FORECLOSURE, FORFEITURE OR DEFAULT ON A MORTGAGE, TRUST DEED OR LAND SALES CONTRACT, OR ABANDONMENT WHO ENCOUNTERS AN ANIMAL WHICH BASED ON ITS PHYSICAL APPEARANCE OR LACK OF AVAILABLE FOOD OR WATER APPEARS ABANDONED ON SUCH PROPERTY SHALL PROMPTLY, BUT NOT LATER THAN SIX HOURS AFTER SUCH ENCOUNTER, NOTIFY THE DOG CONTROL OFFICER, THE POLICE, OR AGENT OR OFFICER OF A DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS ABOUT SUCH ENCOUNTER, FOR THE PURPOSE OF PROMPTLY RETRIEVING OR PROVIDING NECESSARY CARE FOR SUCH ANIMAL AT THE PROPERTY UNTIL THE ANIMAL CAN BE RETRIEVED. ANIMALS REMOVED FROM THE PREMISES SHALL BE PLACED IN THE CUSTODY OF A POUND, DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, DULY INCORPORATED HUMANE SOCIETY, OR DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION AND CARED FOR IN ACCORDANCE WITH THE PROVISIONS OF THIS SECTION, SECTION THREE HUNDRED SEVENTY-FOUR OF THIS ARTICLE, SECTION ONE HUNDRED SEVENTEEN OF THIS CHAPTER, AND ALL OTHER LAWS AND ORDINANCES THAT GOVERN THE HUMANE TREATMENT OF ANIMALS. FAILURE TO PROVIDE NOTIFICATION AS PROVIDED FOR IN THIS SUBDIVISION SHALL BE A VIOLATION.

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

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B. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO LIMIT OR RESTRICT IN ANY WAY AGENTS OR OFFICERS OF SOCIETIES FOR THE PREVENTION OF CRUELTY TO ANIMALS OR THE POLICE FROM ENFORCING PROVISIONS OF THIS ARTICLE OR ANY OTHER LAW RELATING TO ABANDONMENT OF ANIMALS OR THE INHUMANE TREATMENT OF OR CRUELTY TO ANIMALS.

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