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

3154--A

2013-2014 Regular Sessions

I N A S S E M B L Y

January 23, 2013

Introduced by M. of A. PAULIN, ENGLEBRIGHT, ROBERTS, WEISENBERG, MOSLEY -- Multi-Sponsored by -- M. of A. GOTTFRIED -- read once and referred to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to prohibiting cruel treatment of elephants

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

Section 1. The agriculture and markets law is amended by adding a new section 380 to read as follows:

S 380. CRUELTY TO ELEPHANTS. 1. IT SHALL BE UNLAWFUL FOR ANY PERSON TO COMMIT ANY OF THE FOLLOWING ACTS ON OR TO AN ELEPHANT:

(A) USING A BULLHOOK, ANKUS, OR SIMILAR DEVICE;

(B) USING ELECTRICITY OR ANY SHOCKING DEVICE;

(C) USING MARTINGALES, WHIP, OR BLOCK AND TACKLE;

(D) HITTING, BEATING, PUNCHING, KICKING, OR ENGAGING IN ANY OTHER ACT WHICH COULD CAUSE PAIN OR INJURY;

(E) INSERTING ANY INSTRUMENT INTO ANY BODILY ORIFICE;

(F) USING CHAINS FOR THE PURPOSE OF RESTRAINING OR TYING DOWN EXCEPT FOR THE LIMITED PURPOSE OF PROTECTING PUBLIC SAFETY;

(G) DEPRIVING OF ADEQUATE FOOD, WATER, OR REST; OR

(H) COMMITTING ANY OTHER PRACTICES WHICH ARE LIKELY TO CAUSE INJURY OR DEATH TO AN ELEPHANT.

2. NO PERSON SHALL POSSESS ANY DEVICE WHICH EMITS AN ELECTRIC CURRENT OR SHOCK OR ANY INSTRUMENT THAT MAY REASONABLY RESULT IN DAMAGE, SCARRING OR BREAKAGE TO THE SKIN OF AN ELEPHANT IN THE PRESENCE OF AN ELEPHANT. FOR THE PURPOSES OF THIS SUBDIVISION, SUCH IMPLEMENT OR DEVICE INCLUDES, BUT IS NOT LIMITED TO, A BULLHOOK, ANKUS, OR OTHER SIMILAR DEVICE.

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

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3. ANY VIOLATION OF THIS SECTION SHALL CONSTITUTE A CLASS E FELONY.

4. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT ANY OTHER PROTECTIONS AFFORDED TO ELEPHANTS UNDER ANY OTHER PROVISION OF THIS CHAPTER OR ANY OTHER LAW.

5. NOTHING CONTAINED IN THIS SECTION SHALL PREVENT ANY TOWN, CITY, VILLAGE, OR COUNTY IN THE STATE FROM ENACTING A LOCAL LAW OR ORDINANCE GOVERNING OR RESTRICTING THE USE OF ELEPHANTS WITHIN SUCH TOWN, CITY, VILLAGE, OR COUNTY PROVIDED, HOWEVER, THAT NO SUCH LAW OR ORDINANCE SHALL BE LESS STRINGENT THAN THIS SECTION.

6. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO PROHIBIT A VETERINARIAN FROM PERFORMING NECESSARY TREATMENT ON AN ELEPHANT.

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