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

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2013-2014 Regular Sessions

I N A S S E M B L Y

February 5, 2013

Introduced by M. of A. TEDISCO, MALLIOTAKIS, KATZ, BUTLER, McDONOUGH, GIGLIO, TENNEY, McLAUGHLIN, STEVENSON, MILLER, COLTON, RIVERA, JOHNS -- Multi-Sponsored by -- M. of A. BROOK-KRASNY, CERETTO, CROUCH, FINCH, KOLB, MAGEE, PALMESANO, RABBITT, RAIA, THIELE, WEISENBERG -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to limiting the ownership or possession of companion animals by persons convicted of violating "Buster's Law"; and in relation to horses

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

Section 1. Section 353-a of the agriculture and markets law is amended by adding a new subdivision 4 to read as follows:

4. ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, NO PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION SHALL OWN OR POSSESS A COMPANION ANIMAL UNLESS AND UNTIL AUTHORIZED BY A COURT ORDER ISSUED BY A COUNTY COURT JUDGE OF HIS OR HER COUNTY OF RESIDENCE. NO SUCH ORDER SHALL BE ISSUED UNTIL SUCH CONVICTED PERSON FIRST DEMONSTRATES TO THE COURT THAT HE OR SHE HAS UNDERGONE PSYCHIATRIC OR PSYCHOLOGICAL TESTING, THE RESULTS OF WHICH INDICATE BY CLEAR AND CONVINCING EVIDENCE OF HIS OR HER CAPABLE AND SOUND MENTAL CAPACITY AND ABILITY TO OWN AND PROPERLY CARE FOR SUCH AN ANIMAL IN A HUMANE MANNER.

S 2. Subdivision 4 of section 350 of the agriculture and markets law, as added by chapter 569 of the laws of 1995, is amended to read as follows:

4. "Farm animal", as used in this article, 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.

S 3. Section 350 of the agriculture and markets law is amended by adding a new subdivision 6 to read as follows:

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

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6. "EQUINE COMPANION", AS USED IN THIS ARTICLE, MEANS ANY HORSE SO USED FOR RECREATIONAL PURSUITS, INCLUDING BUT NOT LIMITED TO: RACING, JUMPING, SHOWING, REHABILITATIVE PURPOSES OR OTHERWISE TREATED IN AN OPEN AND KNOWN FASHION AS A "COMPANION ANIMAL" OR "PET" AS DEFINED IN SUBDIVISION FIVE OF THIS SECTION.

S 4. This act shall take effect on the thirtieth day after it shall have become a law.