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

4857

2013-2014 Regular Sessions

I N A S S E M B L Y

February 11, 2013

Introduced by M. of A. SCHIMMINGER -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to aggravated cruelty to animals

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

Section 1. Section 353 of the agriculture and markets law, as amended by chapter 458 of the laws of 1985, the opening paragraph as amended by chapter 523 of the laws of 2005, is amended to read as follows:

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

Nothing herein contained shall be construed to prohibit or interfere with any properly conducted scientific tests, experiments or investigations, involving the use of living animals, performed or conducted in laboratories or institutions, which are approved for these purposes by the state commissioner of health. The state commissioner of health shall prescribe the rules under which such approvals shall be granted, including therein standards regarding the care and treatment of any such

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

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animals. Such rules shall be published and copies thereof conspicuously posted in each such laboratory or institution. The state commissioner of health or his duly authorized representative shall have the power to inspect such laboratories or institutions to insure compliance with such rules and standards. Each such approval may be revoked at any time for failure to comply with such rules and in any case the approval shall be limited to a period not exceeding one year.

S 2. Subdivision 1 of section 353-a of the agriculture and markets law, as added by chapter 118 of the laws of 1999, is amended to read as follows:

1. A person is guilty of aggravated cruelty to animals when, with no justifiable purpose, he or she [intentionally] TORTURES OR CRUELLY BEATS, MAIMS, MUTILATES OR kills or [intentionally] causes serious physical injury to [a companion] ANY animal with aggravated cruelty. For purposes of this section, "aggravated cruelty" shall mean conduct which: (i) is intended to cause extreme physical pain; or (ii) is done or carried out [in an especially depraved or sadistic manner] WITH RECKLESS DISREGARD FOR THE WELFARE OF THE ANIMAL.

S 3. This act shall take effect immediately.