

7205

2013-2014 Regular Sessions

I N A S S E M B L Y

May 7, 2013

Introduced by M. of A. PAULIN, GUNTHER, GALEF, MILLMAN, MOSLEY, WEISENBERG, ZEBROWSKI -- Multi-Sponsored by -- M. of A. COLTON, GABRYSZAK, SCHIMEL, SWEENEY, THIELE -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to limiting the right of a person who has violated certain animal cruelty statutes from working at an animal shelter

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

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

3 4. ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, NO PERSON WHO
4 IS CONVICTED OF A VIOLATION OF THIS SECTION SHALL BE ALLOWED TO ACCEPT
5 OR REMAIN IN A POSITION AS A DOG CONTROL OFFICER, ANIMAL CONTROL OFFI-
6 CER, OR AS A PAID EMPLOYEE OR VOLUNTEER AT THE FOLLOWING TYPES OF ESTAB-
7 LISHMENTS: AN ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY,
8 DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED
9 SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS. FOR THE PURPOSES OF
10 THIS SUBDIVISION, THE TERM "VOLUNTEER" SHALL NOT INCLUDE ANYONE REQUIRED
11 BY COURT ORDER TO FULFILL A COMMUNITY SERVICE REQUIREMENT IN SERVICE AT
12 ANY ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY, DULY INCOR-
13 PORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR
14 THE PREVENTION OF CRUELTY TO ANIMALS. ANY DOG CONTROL OFFICER, ANIMAL
15 CONTROL OFFICER OR PAID EMPLOYEE OR VOLUNTEER FOUND IN VIOLATION OF THIS
16 SUBDIVISION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

17 S 2. Section 353 of the agriculture and markets law, as amended by
18 chapter 458 of the laws of 1985 and the opening paragraph as amended by
19 chapter 523 of the laws of 2005, is amended to read as follows:

20 S 353. Overdriving, torturing and injuring animals; failure to provide
21 proper sustenance. 1. A person who overdrives, overloads, tortures or
22 cruelly beats or unjustifiably injures, maims, mutilates or kills any

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

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1 animal, whether wild or tame, and whether belonging to himself or to
2 another, or deprives any animal of necessary sustenance, food or drink,
3 or neglects or refuses to furnish it such sustenance or drink, or caus-
4 es, procures or permits any animal to be overdriven, overloaded,
5 tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or
6 killed, or to be deprived of necessary food or drink, or who wilfully
7 sets on foot, instigates, engages in, or in any way furthers any act of
8 cruelty to any animal, or any act tending to produce such cruelty, is
9 guilty of a class A misdemeanor and for purposes of paragraph (b) of
10 subdivision one of section 160.10 of the criminal procedure law, shall
11 be treated as a misdemeanor defined in the penal law.

12 2. Nothing herein contained shall be construed to prohibit or inter-
13 fere with any properly conducted scientific tests, experiments or inves-
14 tigations, involving the use of living animals, performed or conducted
15 in laboratories or institutions, which are approved for these purposes
16 by the state commissioner of health. The state commissioner of health
17 shall prescribe the rules under which such approvals shall be granted,
18 including therein standards regarding the care and treatment of any such
19 animals. Such rules shall be published and copies thereof conspicuously
20 posted in each such laboratory or institution. The state commissioner of
21 health or his duly authorized representative shall have the power to
22 inspect such laboratories or institutions to insure compliance with such
23 rules and standards. Each such approval may be revoked at any time for
24 failure to comply with such rules and in any case the approval shall be
25 limited to a period not exceeding one year.

26 3. ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, NO PERSON WHO
27 IS CONVICTED OF A VIOLATION OF THIS SECTION SHALL BE ALLOWED TO ACCEPT
28 OR REMAIN IN A POSITION AS A DOG CONTROL OFFICER, ANIMAL CONTROL OFFI-
29 CER, OR AS A PAID EMPLOYEE OR VOLUNTEER AT THE FOLLOWING TYPES OF ESTAB-
30 LISHMENTS: AN ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY,
31 DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED
32 SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS. FOR THE PURPOSES OF
33 THIS SUBDIVISION, THE TERM "VOLUNTEER" SHALL NOT INCLUDE ANYONE REQUIRED
34 BY COURT ORDER TO FULFILL A COMMUNITY SERVICE REQUIREMENT IN SERVICE AT
35 ANY ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY, DULY INCOR-
36 PORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR
37 THE PREVENTION OF CRUELTY TO ANIMALS. ANY DOG CONTROL OFFICER, ANIMAL
38 CONTROL OFFICER OR PAID EMPLOYEE OR VOLUNTEER FOUND IN VIOLATION OF THIS
39 SUBDIVISION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

40 S 3. Section 351 of the agriculture and markets law is amended by
41 adding a new subdivision 7 to read as follows:

42 7. ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, NO PERSON WHO
43 IS CONVICTED OF A VIOLATION OF THIS SECTION SHALL BE ALLOWED TO ACCEPT
44 OR REMAIN IN A POSITION AS A DOG CONTROL OFFICER, ANIMAL CONTROL OFFI-
45 CER, OR AS A PAID EMPLOYEE OR VOLUNTEER AT THE FOLLOWING TYPES OF ESTAB-
46 LISHMENTS: AN ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY,
47 DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED
48 SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS. FOR THE PURPOSES OF
49 THIS SUBDIVISION, THE TERM "VOLUNTEER" SHALL NOT INCLUDE ANYONE REQUIRED
50 BY COURT ORDER TO FULFILL A COMMUNITY SERVICE REQUIREMENT IN SERVICE AT
51 ANY ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY, DULY INCOR-
52 PORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR
53 THE PREVENTION OF CRUELTY TO ANIMALS. ANY DOG CONTROL OFFICER, ANIMAL
54 CONTROL OFFICER OR PAID EMPLOYEE OR VOLUNTEER FOUND IN VIOLATION OF THIS
55 SUBDIVISION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

1 S 4. Section 355 of the agriculture and markets law, as amended by
2 chapter 458 of the laws of 1985, is amended to read as follows:

3 S 355. Abandonment of animals. 1. A person being the owner or posses-
4 sor, or having charge or custody of an animal, who abandons such animal,
5 or leaves it to die in a street, road or public place, or who allows
6 such animal, if it become disabled, to lie in a public street, road or
7 public place more than three hours after he receives notice that it is
8 left disabled, is guilty of a misdemeanor, punishable by imprisonment
9 for not more than one year, or by a fine of not more than one thousand
10 dollars, or by both.

11 2. ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION, NO PERSON WHO
12 IS CONVICTED OF A VIOLATION OF THIS SECTION SHALL BE ALLOWED TO ACCEPT
13 OR REMAIN IN A POSITION AS A DOG CONTROL OFFICER, ANIMAL CONTROL OFFI-
14 CER, OR AS A PAID EMPLOYEE OR VOLUNTEER AT THE FOLLOWING TYPES OF ESTAB-
15 LISHMENTS: AN ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY,
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17 SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS. FOR THE PURPOSES OF
18 THIS SUBDIVISION, THE TERM "VOLUNTEER" SHALL NOT INCLUDE ANYONE REQUIRED
19 BY COURT ORDER TO FULFILL A COMMUNITY SERVICE REQUIREMENT IN SERVICE AT
20 ANY ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY, DULY INCOR-
21 PORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR
22 THE PREVENTION OF CRUELTY TO ANIMALS. ANY DOG CONTROL OFFICER, ANIMAL
23 CONTROL OFFICER OR PAID EMPLOYEE OR VOLUNTEER FOUND IN VIOLATION OF THIS
24 SUBDIVISION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

25 S 5. This act shall take effect on the thirtieth day after it shall
26 have become a law.