

7205--A

2013-2014 Regular Sessions

I N   A S S E M B L Y

May 7, 2013

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Introduced by M. of A. PAULIN, GUNTHER, GALEF, MILLMAN, MOSLEY, WEISENBERG, ZEBROWSKI, ROSENTHAL -- Multi-Sponsored by -- M. of A. COLTON, COOK, GABRYSZAK, SCHIMEL, SWEENEY, THIELE -- read once and referred to the Committee on Agriculture -- 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 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. NO PERSON WHO IS CONVICTED OF A VIOLATION OF THIS SECTION SHALL BE  
4     ALLOWED TO ACCEPT OR REMAIN IN A POSITION AS A DOG CONTROL OFFICER,  
5     ANIMAL CONTROL OFFICER, OR AS A PAID EMPLOYEE OR VOLUNTEER AT THE  
6     FOLLOWING TYPES OF ESTABLISHMENTS: AN ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY, DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS, ON AND AFTER THE EFFECTIVE DATE OF THIS SUBDIVISION. FOR THE PURPOSES  
7     OF THIS SUBDIVISION, THE TERM "VOLUNTEER" SHALL NOT INCLUDE ANYONE  
8     REQUIRED BY COURT ORDER TO FULFILL A COMMUNITY SERVICE REQUIREMENT IN  
9     SERVICE AT ANY ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY, DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS. ANY DOG CONTROL OFFICER, ANIMAL CONTROL OFFICER OR PAID EMPLOYEE OR VOLUNTEER FOUND IN  
10    VIOLATION OF THIS SUBDIVISION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.  
11    S 2. Section 353 of the agriculture and markets law, as amended by  
12    chapter 458 of the laws of 1985 and the opening paragraph as amended by  
13    chapter 523 of the laws of 2005, is amended to read as follows:  
14    S 353. Overdriving, torturing and injuring animals; failure to provide  
15    proper sustenance. 1. A person who overdrives, overloads, tortures or  
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EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD04880-08-3

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

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

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

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

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