

8584

I N A S S E M B L Y

January 23, 2014

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

AN ACT to amend the agriculture and markets law, in relation to the  
disposition of abused farm animals

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

1 Section 1. Paragraphs d, g and subparagraph 2 of paragraph f of subdi-  
2 vision 8 of section 374 of the agriculture and markets law, as added by  
3 chapter 569 of the laws of 1995 and as renumbered by chapter 479 of the  
4 laws of 2009, are amended to read as follows:  
5 d. In the case of farm animals, the court may, in addition to the  
6 forfeiture to a duly incorporated society for the prevention of cruelty  
7 to animals or a duly incorporated humane society or authorized agents  
8 thereof, and subject to the restrictions of sections three hundred  
9 fifty-four and three hundred fifty-seven of this article, order the farm  
10 animals which were the basis of the conviction to be sold. In no case  
11 shall farm animals which are the basis of the conviction be redeemed by  
12 the convicted person who is the subject of the order of forfeiture or by  
13 any person dwelling in the same household who conspired, aided or abet-  
14 ted in the unlawful act which was the basis of the conviction, or who  
15 knew or should have known of the unlawful act. [The] IN NO CASE SHALL  
16 THE CONVICTED PERSON OR ANY PERSON DWELLING IN THE SAME HOUSEHOLD WHO  
17 CONSPIRED, AIDED OR ABETTED IN THE UNLAWFUL ACT WHICH WAS THE BASIS OF  
18 THE CONVICTION, OR WHO KNEW OR SHOULD HAVE KNOWN OF THE UNLAWFUL ACT BE  
19 ENTITLED TO ANY MONIES GENERATED FROM THE SALE OF FARM ANIMALS WHICH  
20 WERE THE BASIS OF THE CONVICTION. EXCEPT AS OTHERWISE PROVIDED HEREIN OR  
21 IN SECTION THREE HUNDRED SEVENTY-THREE OF THIS ARTICLE, THE court shall  
22 reimburse [the convicted person and] any duly determined interested  
23 persons, pursuant to paragraph f of this subdivision, any money earned  
24 by the sale of the farm animals less any costs including, but not limit-  
25 ed to, veterinary and custodial care, and any fines or penalties imposed  
26 by the court. The court may order that the subject animals be provided  
27 with appropriate care and treatment pending the hearing and the disposi-  
28 tion of the charges. Any farm animal ordered forfeited but not sold

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

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1 shall be remanded to the custody and charge of a duly incorporated soci-  
2 ety for the prevention of cruelty to animals or duly incorporated humane  
3 society or its authorized agent thereof and disposed of pursuant to  
4 paragraph e of this subdivision.

5 (2) [All] EXCEPT AS OTHERWISE PROVIDED HEREIN OR IN SECTION THREE  
6 HUNDRED SEVENTY-THREE OF THIS ARTICLE, ALL interested persons shall be  
7 provided an opportunity at the hearing to redeem their interest as  
8 determined by the court in the subject farm animals and to purchase the  
9 interest of the convicted person. The convicted person OR ANY PERSON  
10 DWELLING IN THE SAME HOUSEHOLD WHO CONSPIRED, AIDED OR ABETTED IN THE  
11 UNLAWFUL ACT WHICH WAS THE BASIS OF THE CONVICTION, OR WHO KNEW OR  
12 SHOULD HAVE KNOWN OF THE UNLAWFUL ACT shall NOT be entitled to be reim-  
13 bursed his interest in the farm animals[, less any costs, fines or  
14 penalties imposed by the court, as specified under paragraph d of this  
15 subdivision]. In no case shall the court award custody or control of the  
16 animals to any interested person who conspired, aided or abetted in the  
17 unlawful act which was the basis of the conviction, or who knew or  
18 should have known of the unlawful act.

19 g. Nothing in this section shall be construed to limit or restrict in  
20 any way the rights of a secured party having a security interest in any  
21 farm animal described in this section[. This] EXCEPT THAT THE CONVICTED  
22 PERSON OR ANY PERSON DWELLING IN THE SAME HOUSEHOLD WHO CONSPIRED, AIDED  
23 OR ABETTED IN THE UNLAWFUL ACT WHICH WAS THE BASIS OF THE CONVICTION, OR  
24 WHO KNEW OR SHOULD HAVE KNOWN OF THE UNLAWFUL ACT SHALL NOT BE ENTITLED  
25 TO BE REIMBURSED HIS INTEREST IN THE FARM ANIMALS. EXCEPT AS OTHERWISE  
26 PROVIDED HEREIN OR IN SECTION THREE HUNDRED SEVENTY-THREE OF THIS ARTI-  
27 CLE, THIS section expressly does not impair or subordinate the rights of  
28 such a secured lender having a security interest in farm animals or in  
29 the proceeds from the sale of such farm animals.

30 S 2. Subparagraphs 3 and 4 of paragraph b of subdivision 6 of section  
31 373 of the agriculture and markets law, as added by chapter 256 of the  
32 laws of 1997, are amended to read as follows:

33 (3) In the case of an animal other than a companion animal or pet, if  
34 a person ordered to post security fails to do so, the court may, in  
35 addition to the forfeiture to a duly incorporated society for the  
36 prevention of cruelty to animals, humane society, pound, animal shelter  
37 or any authorized agents thereof, and subject to the restrictions of  
38 sections three hundred fifty-four, three hundred fifty-seven and three  
39 hundred seventy-four of this article, order the animal which was the  
40 basis of the order to be sold, provided that all interested persons  
41 shall first be provided the opportunity to redeem their interest in the  
42 animal and to purchase the interest of the person ordered to post secu-  
43 rity, subject to such conditions as the court deems appropriate to  
44 assure proper care and treatment of the animal. The court [may] SHALL  
45 NOT reimburse the person ordered to post security [and] OR ANY PERSON  
46 DWELLING IN THE SAME HOUSEHOLD WHO CONSPIRED, AIDED OR ABETTED IN THE  
47 UNLAWFUL ACT WHICH WAS THE BASIS OF THE CONVICTION OR WHO KNEW OR SHOULD  
48 HAVE KNOWN OF THE UNLAWFUL ACT ANY MONEY EARNED BY THE SALE OF THE  
49 ANIMAL BUT MAY REIMBURSE any OTHER interested persons any money earned  
50 by the sale of the animal less any costs including, but not limited to,  
51 veterinary and custodial care. Any animal determined by the court to be  
52 maimed, diseased, disabled or infirm so as to be unfit for sale or any  
53 useful purpose shall be forfeited to a duly incorporated society for the  
54 prevention of cruelty to animals or a duly incorporated humane society  
55 or authorized agents thereof, and be available for adoption or shall be

1 euthanized subject to section three hundred seventy-four of this arti-  
2 cle.

3 (4) [Nothing] EXCEPT AS OTHERWISE PROVIDED HEREIN OR IN SECTION THREE  
4 HUNDRED SEVENTY-FOUR OF THIS ARTICLE, NOTHING in this section shall be  
5 construed to limit or restrict in any way the rights of a secured party  
6 having a security interest in any animal described in this section.  
7 [This] EXCEPT AS OTHERWISE PROVIDED HEREIN OR IN SECTION THREE HUNDRED  
8 SEVENTY-FOUR OF THIS ARTICLE, THIS section expressly does not impair or  
9 subordinate the rights of such a secured lender having a security inter-  
10 est in the animal or in the proceeds from the sale of such animal.

11 S 3. This act shall take effect immediately.