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

4239

2015-2016 Regular Sessions

I N A S S E M B L Y

January 29, 2015

Introduced by M. of A. GLICK, TITONE, O'DONNELL, COLTON, ROSENTHAL, GOTTFRIED, DINOWITZ, SCARBOROUGH -- Multi-Sponsored by -- M. of A. BRENNAN, COOK, MARKEY, RIVERA -- read once and referred to the Committee on Environmental Conservation

AN ACT to amend the environmental conservation law, in relation to prohibiting sport killing of zoo, carnival or circus animals

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

Section 1. The environmental conservation law is amended by adding a new section 11-1908 to read as follows:

S 11-1908. SPORT KILLING OF ZOO, CARNIVAL OR CIRCUS ANIMALS PROHIBITED.

1. NO PERSON SHALL KILL FOR SPORT AN ANIMAL THAT SUCH PERSON KNOWS OR HAS REASON TO KNOW IS PRESENTLY OR WAS FORMERLY A PART OF A ZOO, CARNIVAL OR CIRCUS.

2. NO ZOO, CARNIVAL OR CIRCUS OR ANY PERSON LICENSED OR REQUIRED TO BE LICENSED AS AN EXHIBITOR UNDER THE ANIMAL WELFARE ACT, 7 U.S.C. SECTION 2131 (ET SEQ.) SHALL PROVIDE, SELL, OR DONATE ANY ANIMAL FOR USE IN ANY ACTIVITY WHEREIN THE ANIMAL MAY BE INTENTIONALLY KILLED FOR SPORT.

3. NO PERSON, INCLUDING, BUT NOT LIMITED TO, AN OPERATOR OF AN AUCTION SALE, SHALL TRANSFER OR CONSPIRE TO TRANSFER ANY ANIMAL THAT SUCH PERSON KNOWS OR HAS REASON TO KNOW IS PRESENTLY OR WAS FORMERLY A PART OF A ZOO, CARNIVAL, OR CIRCUS, TO ANY PERSON OR ACTIVITY WHEREIN THE ANIMAL MAY BE INTENTIONALLY KILLED FOR SPORT.

4. NO PERSON WHO OWNS, OPERATES, OR MANAGES A FACILITY WHEREIN AN ANIMAL MAY BE INTENTIONALLY KILLED FOR SPORT SHALL PURCHASE, ACCEPT AS A DONATION, OR RECEIVE ANY ANIMAL SUCH PERSON KNOWS OR HAS REASON TO KNOW IS PRESENTLY OR WAS FORMERLY A PART OF A ZOO, CARNIVAL OR CIRCUS.

5. VIOLATIONS OF THIS SECTION SHALL BE PUNISHABLE BY A FINE OF NOT LESS THAN FIVE HUNDRED DOLLARS NOR MORE THAN TWO THOUSAND DOLLARS.

6. FOR PURPOSES OF THIS SECTION:

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

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(A) "CARNIVAL" MEANS AN ITINERANT ENTERPRISE CONSISTING PRINCIPALLY OF TEMPORARY AMUSEMENT DEVICES OR MECHANICAL RIDES, ACROBATIC OR MAGIC SHOWS, GAMES, STUNTS OR ANIMALS OPERATED TO PROVIDE ENTERTAINMENT OR AMUSEMENT TO THE PUBLIC.

(B) "CIRCUS" MEANS A TRAVELING SHOW THAT INCLUDES TRAINED ANIMALS.

(C) "OPERATOR OF AN AUCTION SALE" MEANS ANY PERSON WHO IS ENGAGED IN OPERATING AN AUCTION AT WHICH ANIMALS ARE PURCHASED OR SOLD.

(D) "PERSON" MEANS AN INDIVIDUAL, PARTNERSHIP, CORPORATION, JOINT STOCK COMPANY, ASSOCIATION OR OTHER LEGAL ENTITY.

(E) "ZOO" MEANS ANY PARK, BUILDING, CAGE, ENCLOSURE, OR OTHER STRUCTURE OR PREMISES IN WHICH A LIVE ANIMAL OR ANIMALS ARE KEPT FOR PUBLIC EXHIBITION OR VIEWING.

7. NOTHING IN THIS SECTION SHALL BE CONSTRUED TO AFFECT ANY PROTECTIONS AFFORDED TO ANIMALS UNDER ANY OTHER LAW.

8. NOTHING IN THIS SECTION SHALL PREVENT A MUNICIPALITY FROM ENACTING MORE RESTRICTIVE PROVISIONS GOVERNING ANIMALS IN ZOOS, CARNIVALS, OR CIRCUSES.

S 2. This act shall take effect on the sixtieth day after it shall have become a law.