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2015-2016 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2015

Introduced by M. of A. ROSENTHAL, MOYA, CAMARA, LUPARDO -- Multi-Sponsored by -- M. of A. CERETTO, COLTON, GLICK, LIFTON, McDONOUGH, TENNEY, THIELE -- read once and referred to the Committee on Codes

AN ACT to amend the agriculture and markets law, in relation to acts of animal cruelty in the presence of a child

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

1 Section 1. Subdivisions 1 and 3 of section 353-a of the agriculture
2 and markets law, as added by chapter 118 of the laws of 1999, are
3 amended to read as follows:
4 1. A person is guilty of aggravated cruelty to animals when, with no
5 justifiable purpose, he or she intentionally kills or intentionally
6 causes serious physical injury to a companion animal with aggravated
7 cruelty. For purposes of this section, "aggravated cruelty" shall mean
8 conduct which: [(i)] (A) is intended to cause extreme physical pain; or
9 [(ii)] (B) is done or carried out in an especially depraved or sadistic
10 manner.
11 3. [Aggravated cruelty to animals is a felony. A defendant convicted
12 of this offense shall be sentenced pursuant to paragraph (b) of subdivi-
13 sion one of section 55.10 of the penal law provided,] (A) ANY PERSON WHO
14 COMMITS ONE OR MORE OF THE ACTS SPECIFIED IN SUBDIVISION ONE OF THIS
15 SECTION IS GUILTY OF A CLASS E FELONY; PROVIDED however, that any term
16 of imprisonment imposed for [violation] A CONVICTION of this section
17 shall be a definite sentence, which may not exceed two years.
18 (B) ANY PERSON WHO COMMITS ONE OR MORE OF THE ACTS SPECIFIED IN SUBDI-
19 VISION ONE OF THIS SECTION IN THE PRESENCE OF A CHILD IS GUILTY OF A
20 CLASS D FELONY. FOR THE PURPOSES OF THIS SECTION, "IN THE PRESENCE OF A
21 CHILD" SHALL MEAN IN THE PHYSICAL PRESENCE OF A CHILD UNDER THE AGE OF
22 EIGHTEEN KNOWING OR HAVING REASON TO KNOW THAT A CHILD IS PRESENT AND
23 MAY SEE OR HEAR SUCH ACT.
24 S 2. This act shall take effect on the one hundred eightieth day after
25 it shall have become a law.

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

LBD04014-01-5