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

6126

2015-2016 Regular Sessions

I N A S S E M B L Y

March 16, 2015

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 aggravated cruelty to animals in the presence of a child

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

Section 1. Subdivision 3 of section 353-a of the agriculture and markets law, as added by chapter 118 of the laws of 1999, is amended to read as follows:

3. Aggravated cruelty to animals is a felony. A defendant convicted of this offense shall be sentenced pursuant to paragraph (b) of subdivision one of section 55.10 of the penal law provided, however, that any term of imprisonment imposed for violation of this section shall be a definite sentence, which may not exceed two years, EXCEPT THAT ANY PERSON WHO COMMITS ONE OR MORE OF THE ACTS SPECIFIED IN SUBDIVISION ONE OF THIS SECTION IN THE PRESENCE OF A CHILD MAY BE SENTENCED TO A PERIOD NOT TO EXCEED FOUR YEARS. FOR PURPOSES OF THIS SECTION, "IN THE PRESENCE OF A CHILD" SHALL MEAN IN THE PHYSICAL PRESENCE OF A CHILD UNDER THE AGE OF EIGHTEEN KNOWING OR HAVING REASON TO KNOW THAT CHILD IS PRESENT AND MAY SEE OR HEAR SUCH ACT.

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

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

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