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

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I N A S S E M B L Y

May 2, 2016

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Judiciary

AN ACT to amend the family court act and the criminal procedure law, in relation to order of protection with respect to companion animals

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

Section 1. Subdivision (i) of section 842 of the family court act, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

(i) 1. to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by [the petitioner] EITHER PARTY or a minor child residing in the household[.] OR A DESIGNATED PARTY AS DETERMINED BY THE COURT; OR

2. TO RELINQUISH CUSTODY OF ANY COMPANION ANIMAL OWNED, POSSESSED, LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESIDING IN THE HOUSEHOLD TO THE PETITIONER OR A DESIGNATED PARTY AS DETERMINED BY THE COURT; OR

3. TO REFRAIN FROM HAVING CONTACT WITH ANY COMPANION ANIMAL OWNED, POSSESSED, LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESIDING IN THE HOUSEHOLD, OR IN THE CUSTODY OF A DESIGNATED PARTY PURSUANT TO PARAGRAPH TWO OF THIS SUBDIVISION.

4. "Companion animal", as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law;

S 2. Subparagraph 6 of paragraph (a) of subdivision 1 of section 530.12 of the criminal procedure law, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

(6) (A) to refrain from intentionally injuring or killing, without justification, any companion animal the defendant knows to be owned, possessed, leased, kept or held by [the victim] EITHER PARTY or a minor child residing in the household OR A DESIGNATED PARTY AS DETERMINED BY THE COURT; OR

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

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(B) TO RELINQUISH CUSTODY OF ANY COMPANION ANIMAL OWNED, POSSESSED, LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESIDING IN THE HOUSEHOLD TO THE PETITIONER OR A DESIGNATED PARTY AS DETERMINED BY THE COURT; OR

(C) TO REFRAIN FROM HAVING CONTACT WITH ANY COMPANION ANIMAL OWNED, POSSESSED, LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESIDING IN THE HOUSEHOLD, OR IN THE CUSTODY OF A DESIGNATED PARTY PURSUANT TO ITEM (B) OF THIS SUBPARAGRAPH.

[(B)] (D) "Companion animal", as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law;

S 3. This act shall take effect immediately.