

2015-2016 Regular Sessions

I N   S E N A T E

(PREFILED)

January 7, 2015

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Introduced by Sen. GALLIVAN -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to limiting the right of a person who has violated certain animal cruelty statutes from working at an animal shelter

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

1     Section 1. Section 353-a of the agriculture and markets law is amended  
2 by adding a new subdivision 4 to read as follows:

3     4. NO PERSON WHO IS CONVICTED ON AND AFTER THE EFFECTIVE DATE OF THIS  
4 SUBDIVISION, OF A VIOLATION OF THIS SECTION SHALL BE ALLOWED TO ACCEPT  
5 OR REMAIN IN A POSITION AS A DOG CONTROL OFFICER, ANIMAL CONTROL OFFI-  
6 CER, OR AS A PAID EMPLOYEE OR VOLUNTEER AT THE FOLLOWING TYPES OF ESTAB-  
7 LISHMENTS: AN ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY,  
8 DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED  
9 SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS. FOR THE PURPOSES OF  
10 THIS SUBDIVISION, THE TERM "VOLUNTEER" SHALL NOT INCLUDE ANYONE REQUIRED  
11 BY COURT ORDER TO FULFILL A COMMUNITY SERVICE REQUIREMENT IN SERVICE AT  
12 ANY ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY, DULY INCOR-  
13 PORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR  
14 THE PREVENTION OF CRUELTY TO ANIMALS. ANY DOG CONTROL OFFICER, ANIMAL  
15 CONTROL OFFICER OR PAID EMPLOYEE OR VOLUNTEER FOUND IN VIOLATION OF THIS  
16 SUBDIVISION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

17     S 2. Section 353 of the agriculture and markets law, as amended by  
18 chapter 458 of the laws of 1985 and the opening paragraph as amended by  
19 chapter 523 of the laws of 2005, is amended to read as follows:

20     S 353. Overdriving, torturing and injuring animals; failure to provide  
21 proper sustenance. 1. A person who overdrives, overloads, tortures or  
22 cruelly beats or unjustifiably injures, maims, mutilates or kills any  
23 animal, whether wild or tame, and whether belonging to himself or to

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

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1 another, or deprives any animal of necessary sustenance, food or drink,  
2 or neglects or refuses to furnish it such sustenance or drink, or caus-  
3 es, procures or permits any animal to be overdriven, overloaded,  
4 tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or  
5 killed, or to be deprived of necessary food or drink, or who wilfully  
6 sets on foot, instigates, engages in, or in any way furthers any act of  
7 cruelty to any animal, or any act tending to produce such cruelty, is  
8 guilty of a class A misdemeanor and for purposes of paragraph (b) of  
9 subdivision one of section 160.10 of the criminal procedure law, shall  
10 be treated as a misdemeanor defined in the penal law.

11 2. Nothing herein contained shall be construed to prohibit or inter-  
12 fere with any properly conducted scientific tests, experiments or inves-  
13 tigations, involving the use of living animals, performed or conducted  
14 in laboratories or institutions, which are approved for these purposes  
15 by the state commissioner of health. The state commissioner of health  
16 shall prescribe the rules under which such approvals shall be granted,  
17 including therein standards regarding the care and treatment of any such  
18 animals. Such rules shall be published and copies thereof conspicuously  
19 posted in each such laboratory or institution. The state commissioner of  
20 health or his duly authorized representative shall have the power to  
21 inspect such laboratories or institutions to insure compliance with such  
22 rules and standards. Each such approval may be revoked at any time for  
23 failure to comply with such rules and in any case the approval shall be  
24 limited to a period not exceeding one year.

25 3. NO PERSON WHO IS CONVICTED ON AND AFTER THE EFFECTIVE DATE OF THIS  
26 SUBDIVISION, OF A VIOLATION OF THIS SECTION SHALL BE ALLOWED TO ACCEPT  
27 OR REMAIN IN A POSITION AS A DOG CONTROL OFFICER, ANIMAL CONTROL OFFI-  
28 CER, OR AS A PAID EMPLOYEE OR VOLUNTEER AT THE FOLLOWING TYPES OF ESTAB-  
29 LISHMENTS: AN ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY,  
30 DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED  
31 SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS. FOR THE PURPOSES OF  
32 THIS SUBDIVISION, THE TERM "VOLUNTEER" SHALL NOT INCLUDE ANYONE REQUIRED  
33 BY COURT ORDER TO FULFILL A COMMUNITY SERVICE REQUIREMENT IN SERVICE AT  
34 ANY ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY, DULY INCOR-  
35 PORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR  
36 THE PREVENTION OF CRUELTY TO ANIMALS. ANY DOG CONTROL OFFICER, ANIMAL  
37 CONTROL OFFICER OR PAID EMPLOYEE OR VOLUNTEER FOUND IN VIOLATION OF THIS  
38 SUBDIVISION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

39 S 3. Section 351 of the agriculture and markets law is amended by  
40 adding a new subdivision 7 to read as follows:

41 7. NO PERSON WHO IS CONVICTED ON AND AFTER THE EFFECTIVE DATE OF THIS  
42 SUBDIVISION, OF A VIOLATION OF THIS SECTION SHALL BE ALLOWED TO ACCEPT  
43 OR REMAIN IN A POSITION AS A DOG CONTROL OFFICER, ANIMAL CONTROL OFFI-  
44 CER, OR AS A PAID EMPLOYEE OR VOLUNTEER AT THE FOLLOWING TYPES OF ESTAB-  
45 LISHMENTS: AN ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY,  
46 DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED  
47 SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS. FOR THE PURPOSES OF  
48 THIS SUBDIVISION, THE TERM "VOLUNTEER" SHALL NOT INCLUDE ANYONE REQUIRED  
49 BY COURT ORDER TO FULFILL A COMMUNITY SERVICE REQUIREMENT IN SERVICE AT  
50 ANY ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY, DULY INCOR-  
51 PORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR  
52 THE PREVENTION OF CRUELTY TO ANIMALS. ANY DOG CONTROL OFFICER, ANIMAL  
53 CONTROL OFFICER OR PAID EMPLOYEE OR VOLUNTEER FOUND IN VIOLATION OF THIS  
54 SUBDIVISION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

55 S 4. Section 355 of the agriculture and markets law, as amended by  
56 chapter 458 of the laws of 1985, is amended to read as follows:

1 S 355. Abandonment of animals. 1. A person being the owner or posses-  
2 sor, or having charge or custody of an animal, who abandons such animal,  
3 or leaves it to die in a street, road or public place, or who allows  
4 such animal, if it become disabled, to lie in a public street, road or  
5 public place more than three hours after he receives notice that it is  
6 left disabled, is guilty of a misdemeanor, punishable by imprisonment  
7 for not more than one year, or by a fine of not more than one thousand  
8 dollars, or by both.

9 2. NO PERSON WHO IS CONVICTED ON AND AFTER THE EFFECTIVE DATE OF THIS  
10 SUBDIVISION, OF A VIOLATION OF THIS SECTION SHALL BE ALLOWED TO ACCEPT  
11 OR REMAIN IN A POSITION AS A DOG CONTROL OFFICER, ANIMAL CONTROL OFFI-  
12 CER, OR AS A PAID EMPLOYEE OR VOLUNTEER AT THE FOLLOWING TYPES OF ESTAB-  
13 LISHMENTS: AN ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY,  
14 DULY INCORPORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED  
15 SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS. FOR THE PURPOSES OF  
16 THIS SUBDIVISION, THE TERM "VOLUNTEER" SHALL NOT INCLUDE ANYONE REQUIRED  
17 BY COURT ORDER TO FULFILL A COMMUNITY SERVICE REQUIREMENT IN SERVICE AT  
18 ANY ANIMAL SHELTER, POUND, DULY INCORPORATED HUMANE SOCIETY, DULY INCOR-  
19 PORATED ANIMAL PROTECTIVE ASSOCIATION, OR DULY INCORPORATED SOCIETY FOR  
20 THE PREVENTION OF CRUELTY TO ANIMALS. ANY DOG CONTROL OFFICER, ANIMAL  
21 CONTROL OFFICER OR PAID EMPLOYEE OR VOLUNTEER FOUND IN VIOLATION OF THIS  
22 SUBDIVISION SHALL BE GUILTY OF A CLASS A MISDEMEANOR.

23 S 5. This act shall take effect on the thirtieth day after it shall  
24 have become a law.