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

534

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:

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

1. A person is guilty of aggravated cruelty to animals when, with no justifiable purpose, he or she intentionally kills or intentionally causes serious physical injury to a companion animal with aggravated cruelty. For purposes of this section, "aggravated cruelty" shall mean conduct which: [(i)] (A) is intended to cause extreme physical pain; or [(ii)] (B) is done or carried out in an especially depraved or sadistic manner.

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,] (A) ANY PERSON WHO COMMITS ONE OR MORE OF THE ACTS SPECIFIED IN SUBDIVISION ONE OF THIS SECTION IS GUILTY OF A CLASS E FELONY; PROVIDED however, that any term of imprisonment imposed for [violation] A CONVICTION of this section shall be a definite sentence, which may not exceed two years.

(B) ANY PERSON WHO COMMITS ONE OR MORE OF THE ACTS SPECIFIED IN SUBDIVISION ONE OF THIS SECTION IN THE PRESENCE OF A CHILD IS GUILTY OF A CLASS D FELONY. FOR THE 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 A 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.

LBD04014-01-5