

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:

1 Section 1. Subdivision 3 of section 353-a of the agriculture and
2 markets law, as added by chapter 118 of the laws of 1999, is amended to
3 read as follows:
4 3. Aggravated cruelty to animals is a felony. A defendant convicted of
5 this offense shall be sentenced pursuant to paragraph (b) of subdivision
6 one of section 55.10 of the penal law provided, however, that any term
7 of imprisonment imposed for violation of this section shall be a definite
8 sentence, which may not exceed two years, EXCEPT THAT ANY PERSON
9 WHO COMMITS ONE OR MORE OF THE ACTS SPECIFIED IN SUBDIVISION ONE OF THIS
10 SECTION IN THE PRESENCE OF A CHILD MAY BE SENTENCED TO A PERIOD NOT TO
11 EXCEED FOUR YEARS. FOR PURPOSES OF THIS SECTION, "IN THE PRESENCE OF A
12 CHILD" SHALL MEAN IN THE PHYSICAL PRESENCE OF A CHILD UNDER THE AGE OF
13 EIGHTEEN KNOWING OR HAVING REASON TO KNOW THAT CHILD IS PRESENT AND MAY
14 SEE OR HEAR SUCH ACT.
15 S 2. This act shall take effect on the one hundred eightieth day after
16 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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