

6580

I N S E N A T E

January 27, 2016

Introduced by Sen. LAVALLE -- 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 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:

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

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

11 3. [Aggravated cruelty to animals is a felony. A defendant convicted
12 of this offense shall be sentenced pursuant to paragraph (b) of subdivi-
13 sion one of section 55.10 of the penal law provided,] (A) ANY PERSON WHO
14 COMMITS ONE OR MORE OF THE ACTS SPECIFIED IN SUBDIVISION ONE OF THIS
15 SECTION IS GUILTY OF A CLASS E FELONY; PROVIDED however, that any term
16 of imprisonment imposed for [violation] A CONVICTION of this section
17 shall be a definite sentence, which may not exceed two years.

18 (B) ANY PERSON WHO COMMITS ONE OR MORE OF THE ACTS SPECIFIED IN SUBDI-
19 VISION ONE OF THIS SECTION IN THE PRESENCE OF A CHILD IS GUILTY OF A
20 CLASS D FELONY. FOR THE PURPOSES OF THIS SECTION, "IN THE PRESENCE OF A
21 CHILD" SHALL MEAN IN THE PHYSICAL PRESENCE OF A CHILD UNDER THE AGE OF
22 EIGHTEEN KNOWING OR HAVING REASON TO KNOW THAT A CHILD IS PRESENT AND
23 MAY SEE OR HEAR SUCH ACT.

24 S 2. This act shall take effect on the one hundred eightieth day after
25 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