

7394

I N S E N A T E

April 27, 2016

Introduced by Sen. SERINO -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

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:

1 Section 1. Subdivision (i) of section 842 of the family court act, as
2 amended by chapter 526 of the laws of 2013, is amended to read as
3 follows:
4 (i) 1. to refrain from intentionally injuring or killing, without
5 justification, any companion animal the respondent knows to be owned,
6 possessed, leased, kept or held by [the petitioner] EITHER PARTY or a
7 minor child residing in the household[.] OR A DESIGNATED PARTY AS DETER-
8 MINED BY THE COURT; OR
9 2. TO RELINQUISH CUSTODY OF ANY COMPANION ANIMAL OWNED, POSSESSED,
10 LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESIDING IN THE
11 HOUSEHOLD TO THE PETITIONER OR A DESIGNATED PARTY AS DETERMINED BY THE
12 COURT; OR
13 3. TO REFRAIN FROM HAVING CONTACT WITH ANY COMPANION ANIMAL OWNED,
14 POSSESSED, LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESID-
15 ING IN THE HOUSEHOLD, OR IN THE CUSTODY OF A DESIGNATED PARTY PURSUANT
16 TO PARAGRAPH TWO OF THIS SUBDIVISION.
17 4. "Companion animal", as used in this section, shall have the same
18 meaning as in subdivision five of section three hundred fifty of the
19 agriculture and markets law;
20 S 2. Subparagraph 6 of paragraph (a) of subdivision 1 of section
21 530.12 of the criminal procedure law, as amended by chapter 526 of the
22 laws of 2013, is amended to read as follows:
23 (6) (A) to refrain from intentionally injuring or killing, without
24 justification, any companion animal the defendant knows to be owned,
25 possessed, leased, kept or held by [the victim] EITHER PARTY or a minor
26 child residing in the household OR A DESIGNATED PARTY AS DETERMINED BY
27 THE COURT; OR

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

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

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

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

12 S 3. This act shall take effect immediately.