

7394--A

Cal. No. 1120

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 -- reported favorably from said committee, ordered to first and second report, amended on second report, ordered to a third reading, and to be reprinted as amended, retaining its place in the order of third reading

AN ACT to amend the family court act, the criminal procedure law and the domestic relations law, in relation to an 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 1 of section 352.3 of the family court act, as
2 amended by chapter 532 of the laws of 2008, is amended to read as
3 follows:
4 (1) Upon the issuance of an order pursuant to section 315.3 or the
5 entry of an order of disposition pursuant to section 352.2, a court may
6 enter an order of protection against any respondent for good cause
7 shown. The order may require that the respondent: (a) stay away from the
8 home, school, business or place of employment of the victims of the
9 alleged offense; or (b) refrain from harassing, intimidating, threaten-
10 ing or otherwise interfering with the victim or victims of the alleged
11 offense and such members of the family or household of such victim or
12 victims as shall be specifically named by the court in such order; or
13 (c) refrain from intentionally injuring or killing, without justifica-
14 tion, any companion animal the respondent knows to be owned, possessed,
15 leased, kept or held by [the person protected by the order] EITHER PARTY
16 or a minor child residing in [such person's] EITHER PARTY'S household OR
17 A DESIGNATED PARTY AS DETERMINED BY THE COURT; OR (D) RELINQUISH CUSTODY
18 OF ANY COMPANION ANIMAL OWNED, POSSESSED, LEASED, KEPT OR HELD BY EITHER
19 PARTY OR A MINOR CHILD RESIDING IN THE HOUSEHOLD TO THE PETITIONER OR A
20 DESIGNATED PARTY AS DETERMINED BY THE COURT; OR (E) TO REFRAIN FROM
21 HAVING CONTACT WITH ANY COMPANION ANIMAL OWNED, POSSESSED, LEASED, KEPT
22 OR HELD BY WITHER PARTY OR A MINOR CHILD RESIDING IN THE HOUSEHOLD OR IN
23 THE CUSTODY OF A DESIGNATED PARTY PURSUANT TO PARAGRAPH (D) OF THIS

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

LBD13205-04-6

SUBDIVISION. "Companion animal", as used in this subdivision, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law.

S 2. Subdivision (h) of section 446 of the family court act, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

(h) 1. to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by [the person protected by the order] EITHER PARTY or a minor child residing in [such person's] EITHER PARTY'S household[.] OR A DESIGNATED PARTY AS DETERMINED BY THE COURT; OR

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

3. TO REFRAIN FROM HAVING CONTACT WITH ANY COMPANION ANIMAL OWNED, POSSESSED, LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESIDING IN THE HOUSEHOLD, OR IN THE CUSTODY OF A DESIGNATED PARTY PURSUANT TO PARAGRAPH TWO OF THIS SUBDIVISION.

4. "Companion animal", as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law;

S 3. Subdivision (i) of section 551 of the family court act, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

(i) 1. to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by [the person protected by the order] EITHER PARTY or a minor child residing in [such person's] EITHER PARTY'S household[.] OR A DESIGNATED PARTY AS DETERMINED BY THE COURT; OR

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

3. TO REFRAIN FROM HAVING CONTACT WITH ANY COMPANION ANIMAL OWNED, POSSESSED, LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESIDING IN THE HOUSEHOLD, OR IN THE CUSTODY OF A DESIGNATED PARTY PURSUANT TO PARAGRAPH TWO OF THIS SUBDIVISION.

4. "Companion animal", as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law;

S 4. Subdivision (i) of section 656 of the family court act, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

(i) 1. to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by [the petitioner] EITHER PARTY or a minor child residing in the household[.] OR A DESIGNATED PARTY AS DETERMINED BY THE COURT; OR

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

3. TO REFRAIN FROM HAVING CONTACT WITH ANY COMPANION ANIMAL OWNED, POSSESSED, LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESID-

1 ING IN THE HOUSEHOLD, OR IN THE CUSTODY OF A DESIGNATED PARTY PURSUANT
2 TO PARAGRAPH TWO OF THIS SUBDIVISION.

3 4. "Companion animal", as used in this section, shall have the same
4 meaning as in subdivision five of section three hundred fifty of the
5 agriculture and markets law;

6 S 5. Subdivision (h) of section 759 of the family court act, as added
7 by chapter 253 of the laws of 2006, paragraph 1 as amended by chapter
8 532 of the laws of 2008, is amended to read as follows:

9 (h) 1. to refrain from intentionally injuring or killing, without
10 justification, any companion animal the respondent knows to be owned,
11 possessed, leased, kept or held by [the person protected by the order]
12 EITHER PARTY or a minor child residing in [such person's] EITHER PARTY'S
13 household[.] OR A DESIGNATED PARTY AS DETERMINED BY THE COURT; OR

14 2. TO RELINQUISH CUSTODY OF ANY COMPANION ANIMAL OWNED, POSSESSED,
15 LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESIDING IN THE
16 HOUSEHOLD TO THE PETITIONER OR A DESIGNATED PARTY AS DETERMINED BY THE
17 COURT; OR

18 3. TO REFRAIN FROM HAVING CONTACT WITH ANY COMPANION ANIMAL OWNED,
19 POSSESSED, LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESID-
20 ING IN THE HOUSEHOLD, OR IN THE CUSTODY OF A DESIGNATED PARTY PURSUANT
21 TO PARAGRAPH TWO OF THIS SUBDIVISION.

22 4. "Companion animal", as used in this section, shall have the same
23 meaning as in subdivision five of section three hundred fifty of the
24 agriculture and markets law.

25 S 6. Subdivision (i) of section 842 of the family court act, as
26 amended by chapter 526 of the laws of 2013, is amended to read as
27 follows:

28 (i) 1. to refrain from intentionally injuring or killing, without
29 justification, any companion animal the respondent knows to be owned,
30 possessed, leased, kept or held by [the petitioner] EITHER PARTY or a
31 minor child residing in the household[.] OR A DESIGNATED PARTY AS DETER-
32 MINED BY THE COURT; OR

33 2. TO RELINQUISH CUSTODY OF ANY COMPANION ANIMAL OWNED, POSSESSED,
34 LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESIDING IN THE
35 HOUSEHOLD TO THE PETITIONER OR A DESIGNATED PARTY AS DETERMINED BY THE
36 COURT; OR

37 3. TO REFRAIN FROM HAVING CONTACT WITH ANY COMPANION ANIMAL OWNED,
38 POSSESSED, LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESID-
39 ING IN THE HOUSEHOLD, OR IN THE CUSTODY OF A DESIGNATED PARTY PURSUANT
40 TO PARAGRAPH TWO OF THIS SUBDIVISION.

41 4. "Companion animal", as used in this section, shall have the same
42 meaning as in subdivision five of section three hundred fifty of the
43 agriculture and markets law;

44 S 7. Paragraph (g) of subdivision 1 of section 1056 of the family
45 court act, as amended by chapter 526 of the laws of 2013, is amended to
46 read as follows:

47 (g) 1. to refrain from intentionally injuring or killing, without
48 justification, any companion animal the respondent knows to be owned,
49 possessed, leased, kept or held by [the person protected by the order]
50 EITHER PARTY or a minor child residing in [such person's] EITHER PARTY'S
51 household[.] OR A DESIGNATED PARTY AS DETERMINED BY THE COURT; OR

52 2. TO RELINQUISH CUSTODY OF ANY COMPANION ANIMAL OWNED, POSSESSED,
53 LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESIDING IN THE
54 HOUSEHOLD TO THE PETITIONER OR A DESIGNATED PARTY AS DETERMINED BY THE
55 COURT; OR

1 3. TO REFRAIN FROM HAVING CONTACT WITH ANY COMPANION ANIMAL OWNED,
2 POSSESSED, LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESID-
3 ING IN THE HOUSEHOLD, OR IN THE CUSTODY OF A DESIGNATED PARTY PURSUANT
4 TO SUBPARAGRAPH TWO OF THIS PARAGRAPH.

5 4. "Companion animal", as used in this section, shall have the same
6 meaning as in subdivision five of section three hundred fifty of the
7 agriculture and markets law;

8 S 8. Subparagraph 6 of paragraph (a) of subdivision 1 of section
9 530.12 of the criminal procedure law, as amended by chapter 526 of the
10 laws of 2013, is amended to read as follows:

11 (6) (A) to refrain from intentionally injuring or killing, without
12 justification, any companion animal the defendant knows to be owned,
13 possessed, leased, kept or held by [the victim] EITHER PARTY or a minor
14 child residing in the household OR A DESIGNATED PARTY AS DETERMINED BY
15 THE COURT; OR

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

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

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

27 S 9. Paragraph (c) of subdivision 1 of section 530.13 of the criminal
28 procedure law, as added by chapter 253 of the laws of 2006, is amended
29 to read as follows:

30 (c) 1. to refrain from intentionally injuring or killing, without
31 justification, any companion animal the defendant knows to be owned,
32 possessed, leased, kept or held by such victim or victims or a minor
33 child residing in such victim's or victims' household[.]; OR

34 2. TO REFRAIN FROM HAVING CONTACT WITH ANY COMPANION ANIMAL OWNED,
35 POSSESSED, LEASED, KEPT OR HELD BY SUCH VICTIM OR VICTIMS OR A MINOR
36 CHILD RESIDING IN SUCH VICTIM'S OR VICTIMS' HOUSEHOLD.

37 3. "Companion animal", as used in this section, shall have the same
38 meaning as in subdivision five of section three hundred fifty of the
39 agriculture and markets law.

40 S 10. Subparagraph 7 of paragraph (a) of subdivision 3 of section 240
41 of the domestic relations law, as amended by chapter 526 of the laws of
42 2013, is amended to read as follows:

43 (7) (I) to refrain from intentionally injuring or killing, without
44 justification, any companion animal the respondent knows to be owned,
45 possessed, leased, kept or held by [the person protected by the order]
46 EITHER PARTY or a minor child residing in [such person's] EITHER PARTY'S
47 household OR DESIGNATED PARTY AS DETERMINED BY THE COURT; OR

48 (II) TO RELINQUISH CUSTODY OF ANY COMPANION ANIMAL OWNED, POSSESSED,
49 LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESIDING IN THE
50 HOUSEHOLD TO THE PETITIONER OR A DESIGNATED PARTY AS DETERMINED BY THE
51 COURT; OR

52 (III) TO REFRAIN FROM HAVING CONTACT WITH ANY COMPANION ANIMAL OWNED,
53 POSSESSED, LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESID-
54 ING IN THE HOUSEHOLD, OR IN THE CUSTODY OF A DESIGNATED PARTY PURSUANT
55 TO ITEM (II) OF THIS SUBPARAGRAPH.

1 (IV) "Companion animal," as used in this section, shall have the same
2 meaning as in subdivision five of section three hundred fifty of the
3 agriculture and markets law;

4 S 11. Paragraph (g) of subdivision 1 of section 252 of the domestic
5 relations law, as amended by chapter 526 of the laws of 2012, is amended
6 to read as follows:

7 (g) (1) to refrain from intentionally injuring or killing, without
8 justification, any companion animal the respondent knows to be owned,
9 possessed, leased, kept or held by [the person protected by the order]
10 EITHER PARTY or a minor child residing in [such person's] EITHER
11 PARTY'S household OR DESIGNATED PARTY AS DETERMINED BY THE COURT; OR

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

16 (3) TO REFRAIN FROM HAVING CONTACT WITH ANY COMPANION ANIMAL OWNED,
17 POSSESSED, LEASED, KEPT OR HELD BY EITHER PARTY OR A MINOR CHILD RESID-
18 ING IN THE HOUSEHOLD, OR IN THE CUSTODY OF A DESIGNATED PARTY PURSUANT
19 TO SUBPARAGRAPH TWO OF THIS PARAGRAPH.

20 (4) "Companion animal," as used in this section, shall have the same
21 meaning as in subdivision five of section three hundred fifty of the
22 agriculture and markets law;

23 S 12. This act shall take effect immediately.