

STATE OF NEW YORK

2140

2017-2018 Regular Sessions

IN ASSEMBLY

January 17, 2017

Introduced by M. of A. ROSENTHAL, MOYA, LUPARDO -- Multi-Sponsored by --
M. of A. COLTON, GLICK, LIFTON, McDONOUGH, 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 subdivi-
sion 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 subdivi-
sion 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.

§ 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.

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