

# STATE OF NEW YORK

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4693

2017-2018 Regular Sessions

## IN ASSEMBLY

February 3, 2017

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Introduced by M. of A. MALLIOTAKIS, RAIA, LUPINACCI, COLTON, MURRAY, RA,  
CURRAN -- Multi-Sponsored by -- M. of A. FRIEND, MAGEE, THIELE -- read  
once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to penal-  
ties for those committing multiple animal cruelty offenses

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

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

3 § 353-a. Aggravated cruelty to animals. 1. (a) A person is guilty of  
4 aggravated cruelty to animals when, with no justifiable purpose, he or  
5 she intentionally kills or intentionally causes serious physical injury  
6 to a companion animal with aggravated cruelty or (b) when he or she  
7 commits an offense described in section three hundred fifty-three of  
8 this article and has been previously convicted of an offense under such  
9 section within the past ten years. For purposes of this section, "aggra-  
10 vated cruelty" shall mean conduct which: (i) is intended to cause  
11 extreme physical pain; or (ii) is done or carried out in an especially  
12 depraved or sadistic manner.

13 2. Nothing contained in this section shall be construed to prohibit or  
14 interfere in any way with anyone lawfully engaged in hunting, trapping,  
15 or fishing, as provided in article eleven of the environmental conserva-  
16 tion law, the dispatch of rabid or diseased animals, as provided in  
17 article twenty-one of the public health law, or the dispatch of animals  
18 posing a threat to human safety or other animals, where such action is  
19 otherwise legally authorized, or any properly conducted scientific  
20 tests, experiments, or investigations involving the use of living  
21 animals, performed or conducted in laboratories or institutions approved  
22 for such purposes by the commissioner of health pursuant to section  
23 three hundred fifty-three of this article.

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

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1 3. Aggravated cruelty to animals is a felony. A defendant convicted of  
2 this offense shall be [~~sentenced pursuant to paragraph (b) of subdivi-~~  
3 ~~sion one of section 55.10 of the penal law provided, however, that any~~  
4 ~~term of imprisonment imposed for violation of this section shall be a~~  
5 ~~definite sentence, which may not exceed two years~~] guilty of a class E  
6 felony; a defendant convicted of an offense under paragraph (a) of  
7 subdivision one of this section who has previously been convicted of an  
8 offense under section three hundred fifty-three of this article shall be  
9 guilty of a class D felony; a defendant convicted of this offense who  
10 has previously been convicted of an offense under this section shall be  
11 guilty of a class C felony.

12 § 2. This act shall take effect immediately.