STATE OF NEW YORK

5075

2017-2018 Regular Sessions

IN ASSEMBLY

February 6, 2017

Introduced by M. of A. ROSENTHAL, SEAWRIGHT -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to establishing the crimes of cruelty to animals to threaten, intimidate or harass in the second degree and first degree

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

Section 1. The penal law is amended by adding two new sections 120.80 and 120.85 to read as follows:

§ 120.80 Cruelty to animals to threaten, intimidate or harass in the second degree.

1. A person is guilty of cruelty to animals to threaten, intimidate or harass in the second degree when he or she intentionally injures or kills, with no justifiable purpose, any companion animal with the intent to threaten, intimidate, or harass a family or household member who he or she knows or should have known owned, possessed, leased, kept, or held such companion animal.

2. For purposes of this section:

(a) "Family or household member" shall have the same meaning as subdivision two of section four hundred fifty-nine-a of the social services law.

(b) "Companion animal" shall have the same meaning as subdivision five of section three hundred fifty of the agriculture and markets law.

Cruelty to animals to threaten, intimidate or harass in the second degree is a class D felony.

§ 120.85 Cruelty to animals to threaten, intimidate or harass in the first degree.

1. A person is guilty of cruelty to animals to threaten, intimidate or harass in the first degree when he or she intentionally injures or kills, with no justifiable purpose and in the presence of a minor child, any companion animal with the intent to threaten, intimidate, or harass

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

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a family or household member who he or she knows or should have known owned, possessed, leased, kept, or held such companion animal.

2. For purposes of this section:

(a) "Family or household member" shall have the same meaning as subdivision two of section four hundred fifty-nine-a of the social services law.

(b) "Companion animal" shall have the same meaning as subdivision five of section three hundred fifty of the agriculture and markets law.

(c) "Minor child" means an individual under the age of eighteen.

(d) "Presence of a minor 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.

Cruelty to animals to threaten, intimidate or harass in the first degree is a class C felony.

§ 2. This act shall take effect on the sixtieth day after it shall have become a law.