

STATE OF NEW YORK

668--A

2017-2018 Regular Sessions

IN ASSEMBLY

January 9, 2017

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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~~] petitioner
16 or a minor child residing in [~~such person's~~] the petitioner's or
17 respondent's household. Such order may also grant the petitioner the
18 exclusive care, custody or control of any animal that is owned,
19 possessed, leased, kept or held by the petitioner, the respondent or a
20 minor child residing in the residence or household of the petitioner or
21 the respondent, and order the respondent to stay away from the animal

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

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1 and forbid the respondent from taking, transferring, concealing, harm-
2 ing, or otherwise disposing of the animal. "Companion animal", as used
3 in this subdivision, shall have the same meaning as in subdivision five
4 of section three hundred fifty of the agriculture and markets law.

5 § 2. Paragraph 1 of subdivision (h) of section 446 of the family court
6 act, as amended by chapter 526 of the laws of 2013, is amended to read
7 as follows:

8 1. to refrain from intentionally injuring or killing, without justi-
9 fication, any companion animal the respondent knows to be owned,
10 possessed, leased, kept or held by the [~~person protected by the order~~]
11 petitioner or a minor child residing in [~~such person's~~] the petitioner's
12 or respondent's household. Such order may also grant the petitioner the
13 exclusive care, custody or control of any animal that is owned,
14 possessed, leased, kept or held by the petitioner, the respondent or a
15 minor child residing in the residence or household of the petitioner or
16 the respondent, and order the respondent to stay away from the animal
17 and forbid the respondent from taking, transferring, concealing, harm-
18 ing, or otherwise disposing of the animal.

19 § 3. Paragraph 1 of subdivision (i) of section 551 of the family court
20 act, as amended by chapter 526 of the laws of 2013, is amended to read
21 as follows:

22 1. to refrain from intentionally injuring or killing, without justi-
23 fication, any companion animal the respondent knows to be owned,
24 possessed, leased, kept or held by the [~~person protected by the order~~]
25 petitioner or a minor child residing in [~~such person's~~] the petitioner's
26 or respondent's household. Such order may also grant the petitioner the
27 exclusive care, custody or control of any animal that is owned,
28 possessed, leased, kept or held by the petitioner, the respondent or a
29 minor child residing in the residence or household of the petitioner or
30 the respondent, and order the respondent to stay away from the animal
31 and forbid the respondent from taking, transferring, concealing, harm-
32 ing, or otherwise disposing of the animal.

33 § 4. Paragraph 1 of subdivision (i) of section 656 of the family court
34 act, as amended by chapter 526 of the laws of 2013, is amended to read
35 as follows:

36 1. to refrain from intentionally injuring or killing, without justi-
37 fication, any companion animal the respondent knows to be owned,
38 possessed, leased, kept or held by the petitioner or a minor child
39 residing in the petitioner's or respondent's household. Such order may
40 also grant the petitioner the exclusive care, custody or control of any
41 animal that is owned, possessed, leased, kept or held by the petitioner,
42 the respondent or a minor child residing in the residence or household
43 of the petitioner or the respondent, and order the respondent to stay
44 away from the animal and forbid the respondent from taking, trans-
45 ferring, concealing, harming, or otherwise disposing of the animal.

46 § 5. Paragraph 1 of subdivision (h) of section 759 of the family court
47 act, as amended by chapter 532 of the laws of 2008, is amended to read
48 as follows:

49 1. to refrain from intentionally injuring or killing, without justi-
50 fication, any companion animal the respondent knows to be owned,
51 possessed, leased, kept or held by the [~~person protected by the order~~]
52 petitioner or a minor child residing in [~~such person's~~] the petitioner's
53 or respondent's household. Such order may also grant the petitioner the
54 exclusive care, custody or control of any animal that is owned,
55 possessed, leased, kept or held by the petitioner, the respondent or a
56 minor child residing in the residence or household of the petitioner or

1 the respondent, and order the respondent to stay away from the animal
2 and forbid the respondent from taking, transferring, concealing, harm-
3 ing, or otherwise disposing of the animal.

4 § 6. Paragraph 1 of subdivision (i) of section 842 of the family court
5 act, as amended by chapter 526 of the laws of 2013, is amended to read
6 as follows:

7 1. to refrain from intentionally injuring or killing, without justi-
8 fication, any companion animal the respondent knows to be owned,
9 possessed, leased, kept or held by the petitioner or a minor child
10 residing in the petitioner's or respondent's household. Such order may
11 also grant the petitioner the exclusive care, custody or control of any
12 animal that is owned, possessed, leased, kept or held by the petitioner,
13 the respondent or a minor child residing in the residence or household
14 of the petitioner or the respondent, and order the respondent to stay
15 away from the animal and forbid the respondent from taking, trans-
16 ferring, concealing, harming, or otherwise disposing of the animal.

17 § 7. Subparagraph 1 of paragraph (g) of subdivision 1 of section 1056
18 of the family court act, as amended by chapter 526 of the laws of 2013,
19 is amended to read as follows:

20 1. to refrain from intentionally injuring or killing, without justi-
21 fication, any companion animal the respondent knows to be owned,
22 possessed, leased, kept or held by the [~~person protected by the order~~]
23 petitioner or a minor child residing in [~~such person's~~] the petitioner's
24 or respondent's household. Such order may also grant the petitioner the
25 exclusive care, custody or control of any animal that is owned,
26 possessed, leased, kept or held by the petitioner, the respondent or a
27 minor child residing in the residence or household of the petitioner or
28 the respondent, and order the respondent to stay away from the animal
29 and forbid the respondent from taking, transferring, concealing, harm-
30 ing, or otherwise disposing of the animal.

31 § 8. Clause (A) of subparagraph 6 of paragraph (a) of subdivision 1 of
32 section 530.12 of the criminal procedure law, as amended by chapter 526
33 of the laws of 2013, is amended to read as follows:

34 (A) to refrain from intentionally injuring or killing, without justi-
35 fication, any companion animal the defendant knows to be owned,
36 possessed, leased, kept or held by the victim or a minor child residing
37 in the victim's or defendant's household. Such order may also grant the
38 victim the exclusive care, custody or control of any animal that is
39 owned, possessed, leased, kept or held by the victim, the defendant or a
40 minor child residing in the residence or household of the victim or the
41 defendant, and order the defendant to stay away from the animal and
42 forbid the defendant from taking, transferring, concealing, harming, or
43 otherwise disposing of the animal.

44 § 9. Subparagraph 1 of paragraph (c) of subdivision 1 of section
45 530.13 of the criminal procedure law, as added by chapter 253 of the
46 laws of 2006, is amended to read as follows:

47 1. to refrain from intentionally injuring or killing, without justi-
48 fication, any companion animal the defendant knows to be owned,
49 possessed, leased, kept or held by such victim or victims or a minor
50 child residing in such victim's or victims' household. Such order may
51 also grant the victim the exclusive care, custody or control of any
52 animal that is owned, possessed, leased, kept or held by the victim, the
53 defendant or a minor child residing in the residence or household of the
54 victim or the defendant, and order the defendant to stay away from the
55 animal and forbid the defendant from taking, transferring, concealing,
56 harming, or otherwise disposing of the animal.

1 § 10. Subparagraph 7 of paragraph a of subdivision 3 of section 240 of
2 the domestic relations law, as amended by chapter 526 of the laws of
3 2013, is amended to read as follows:

4 (7) to refrain from intentionally injuring or killing, without justifi-
5 cation, any companion animal the respondent knows to be owned,
6 possessed, leased, kept or held by the [~~person protected by the order~~]
7 petitioner or a minor child residing in [~~such person's~~] the petitioner's
8 or respondent's household. Such order may also grant the petitioner the
9 exclusive care, custody or control of any animal that is owned,
10 possessed, leased, kept or held by the petitioner, the respondent or a
11 minor child residing in the residence or household of the petitioner or
12 the respondent, and order the respondent to stay away from the animal
13 and forbid the respondent from taking, transferring, concealing, harm-
14 ing, or otherwise disposing of the animal. "Companion animal," as used
15 in this section, shall have the same meaning as in subdivision five of
16 section three hundred fifty of the agriculture and markets law;

17 § 11. Paragraph (g) of subdivision 1 of section 252 of the domestic
18 relations law, as amended by chapter 526 of the laws of 2013, is amended
19 to read as follows:

20 (g) to refrain from intentionally injuring or killing, without justifi-
21 cation, any companion animal the respondent knows to be owned,
22 possessed, leased, kept or held by the [~~person protected by the order~~]
23 petitioner or a minor child residing in [~~such person's~~] the petitioner's
24 or respondent's household. Such order may also grant the petitioner the
25 exclusive care, custody or control of any animal that is owned,
26 possessed, leased, kept or held by the petitioner, the respondent or a
27 minor child residing in the residence or household of the petitioner or
28 the respondent, and order the respondent to stay away from the animal
29 and forbid the respondent from taking, transferring, concealing, harm-
30 ing, or otherwise disposing of the animal. "Companion animal," as used
31 in this section, shall have the same meaning as in subdivision five of
32 section three hundred fifty of the agriculture and markets law;

33 § 12. This act shall take effect immediately.