

STATE OF NEW YORK

2167

2017-2018 Regular Sessions

IN SENATE

January 12, 2017

Introduced by Sen. SERINO -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

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 either party or a minor child residing in the household or in
23 the custody of a designated party pursuant to paragraph (d) of this
24 subdivision. "Companion animal", as used in this subdivision, shall have

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

LBD01788-01-7

1 the same meaning as in subdivision five of section three hundred fifty
2 of the agriculture and markets law.

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

6 (h) 1. to refrain from intentionally injuring or killing, without
7 justification, any companion animal the respondent knows to be owned,
8 possessed, leased, kept or held by [~~the person protected by the order~~]
9 either party or a minor child residing in [~~such person's~~] either party's
10 household[-] or a designated party as determined by the court; or

11 2. to relinquish custody of any companion animal owned, possessed,
12 leased, kept or held by either party or a minor child residing in the
13 household to the petitioner or a designated party as determined by the
14 court; or

15 3. to refrain from having contact with any companion animal owned,
16 possessed, leased, kept or held by either party or a minor child resid-
17 ing in the household, or in the custody of a designated party pursuant
18 to paragraph two of this subdivision.

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

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

25 (i) 1. to refrain from intentionally injuring or killing, without
26 justification, any companion animal the respondent knows to be owned,
27 possessed, leased, kept or held by [~~the person protected by the order~~]
28 either party or a minor child residing in [~~such person's~~] either party's
29 household[-] or a designated party as determined by the court; or

30 2. to relinquish custody of any companion animal owned, possessed,
31 leased, kept or held by either party or a minor child residing in the
32 household to the petitioner or a designated party as determined by the
33 court; or

34 3. to refrain from having contact with any companion animal owned,
35 possessed, leased, kept or held by either party or a minor child resid-
36 ing in the household, or in the custody of a designated party pursuant
37 to paragraph two of this subdivision.

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

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

44 (i) 1. to refrain from intentionally injuring or killing, without
45 justification, any companion animal the respondent knows to be owned,
46 possessed, leased, kept or held by [~~the petitioner~~] either party or a
47 minor child residing in the household[-] or a designated party as deter-
48 mined by the court; or

49 2. to relinquish custody of any companion animal owned, possessed,
50 leased, kept or held by either party or a minor child residing in the
51 household to the petitioner or a designated party as determined by the
52 court; or

53 3. to refrain from having contact with any companion animal owned,
54 possessed, leased, kept or held by either party or a minor child resid-
55 ing in the household, or in the custody of a designated party pursuant
56 to paragraph two of this subdivision.

1 4. "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 § 5. Subdivision (h) of section 759 of the family court act, as added
5 by chapter 253 of the laws of 2006, paragraph 1 as amended by chapter
6 532 of the laws of 2008, is amended to read as follows:

7 (h) 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 party's
11 household[-] or a 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 paragraph two of this subdivision.

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

26 (i) 1. to refrain from intentionally injuring or killing, without
27 justification, any companion animal the respondent knows to be owned,
28 possessed, leased, kept or held by ~~[the petitioner]~~ either party or a
29 minor child residing in the household~~[-]~~ or a designated party as deter-
30 mined by the court; or

31 2. to relinquish custody of any companion animal owned, possessed,
32 leased, kept or held by either party or a minor child residing in the
33 household to the petitioner or a designated party as determined by the
34 court; or

35 3. to refrain from having contact with any companion animal owned,
36 possessed, leased, kept or held by either party or a minor child resid-
37 ing in the household, or in the custody of a designated party pursuant
38 to paragraph two of this subdivision.

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

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

45 (g) 1. to refrain from intentionally injuring or killing, without
46 justification, any companion animal the respondent knows to be owned,
47 possessed, leased, kept or held by ~~[the person protected by the order]~~
48 either party or a minor child residing in ~~[such person's]~~ either party's
49 household[-] or a designated party as determined by the court; or

50 2. to relinquish custody of any companion animal owned, possessed,
51 leased, kept or held by either party or a minor child residing in the
52 household to the petitioner or a designated party as determined by the
53 court; or

54 3. to refrain from having contact with any companion animal owned,
55 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 subparagraph two of this paragraph.

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 § 8. Subparagraph 6 of paragraph (a) of subdivision 1 of section
7 530.12 of the criminal procedure law, as amended by chapter 526 of the
8 laws of 2013, is amended to read as follows:

9 (6) (A) to refrain from intentionally injuring or killing, without
10 justification, any companion animal the defendant knows to be owned,
11 possessed, leased, kept or held by [~~the victim~~] either party or a minor
12 child residing in the household or a designated party as determined by
13 the court; or

14 (B) 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 (C) 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 item (B) of this subparagraph.

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

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

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

32 2. to refrain from having contact with any companion animal owned,
33 possessed, leased, kept or held by such victim or victims or a minor
34 child residing in such victim's or victims' household.

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

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

41 (7) (i) to refrain from intentionally injuring or killing, without
42 justification, any companion animal the respondent knows to be owned,
43 possessed, leased, kept or held by [~~the person protected by the order~~]
44 either party or a minor child residing in [~~such person's~~] either party's
45 household or designated party as determined by the court; or

46 (ii) to relinquish custody of any companion animal owned, possessed,
47 leased, kept or held by either party or a minor child residing in the
48 household to the petitioner or a designated party as determined by the
49 court; or

50 (iii) to refrain from having contact with any companion animal owned,
51 possessed, leased, kept or held by either party or a minor child resid-
52 ing in the household, or in the custody of a designated party pursuant
53 to item (ii) of this subparagraph.

54 (iv) "Companion animal," as used in this section, shall have the same
55 meaning as in subdivision five of section three hundred fifty of the
56 agriculture and markets law;

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

(g) (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 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 subparagraph two of this paragraph.

(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;

§ 12. This act shall take effect immediately.