STATE OF NEW YORK

2470

2017-2018 Regular Sessions

IN SENATE

January 13, 2017

Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

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 subdivision 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 subdivision 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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