STATE OF NEW YORK

2140

2017-2018 Regular Sessions

IN ASSEMBLY

January 17, 2017

Introduced by M. of A. ROSENTHAL, MOYA, LUPARDO -- Multi-Sponsored by -- M. of A. COLTON, GLICK, LIFTON, McDONOUGH, THIELE -- read once and referred to the Committee on Codes

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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