

# STATE OF NEW YORK

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3038--A

2017-2018 Regular Sessions

## IN ASSEMBLY

January 24, 2017

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Introduced by M. of A. SANTABARBARA, WALSH, RA, LUPARDO, MURRAY, BYRNE, McDONOUGH, ROSENTHAL, RIVERA, LAVINE, ABBATE, JAFFEE, GLICK, BRONSON, STIRPE, COLTON, SEAWRIGHT, M. G. MILLER, PRETLOW, JOHNS, BLAKE, HUNTER, PICHARDO, THIELE, CUSICK, DAVILA, ENGLEBRIGHT, MAGEE, KEARNS, GJONAJ, TITONE, JENNE, COOK, D'URSO, ORTIZ, OTIS, WEPRIN, PAULIN, HIKIND, HARRIS, GUNTHER, GALEF, MOYA, SEPULVEDA, SKOUFIS, BENEDETTO, ERRIGO, WALTER, STEC, B. MILLER, BLANKENBUSH, NORRIS, MORINELLO, LAWRENCE, MONTESANO, McLAUGHLIN, GARBARINO, GIGLIO, BRABENEC, LOPEZ, CASTORINA, FINCH, RAIA, CROUCH, LUPINACCI, MOSLEY, PALUMBO, JONES, HAWLEY, M. L. MILLER, MALLIOTAKIS, DiPIETRO, FITZPATRICK, LALOR, OAKS, BARCLAY, PALMESANO, CURRAN, BARRETT, LIFTON, FAHY, HEVESI, DICKENS, BARNWELL, BUCHWALD, TITUS, WILLIAMS, KOLB, McKEVITT, BRINDISI, DINOWITZ, HOOPER, RODRIGUEZ, VANEL -- Multi-Sponsored by -- M. of A. BUTLER, DenDEKKER, FRIEND, McDONALD, PHEFFER AMATO, SIMON, SKARTADOS, WOERNER -- read once and referred to the Committee on Agriculture -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the agriculture and markets law, in relation to establishing a cause of action against a person who has intentionally caused injury or death of a companion animal

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

1 Section 1. This act shall be known and may be cited as "Kirby and  
2 Quigley's Law."

3 § 2. The agriculture and markets law is amended by adding a new  
4 section 353-g to read as follows:

5 § 353-g. Civil cause of action for injury or death of a companion  
6 animal. 1. An owner shall have a civil cause of action against a person  
7 who has intentionally caused injury or death to a companion animal

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

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1 including a violation of section three hundred fifty-three or three  
2 hundred fifty-three-a of this article.

3 2. Damages under this section shall be recovered in an action in tort,  
4 commenced within three years from the date of injury or death of such  
5 companion animal. Such damages shall include, where applicable: fair  
6 monetary value of the deceased companion animal to his or her owner;  
7 expenses of veterinary and other special medical care required; loss of  
8 the reasonably expected society, companionship, comfort, protection and  
9 services of the deceased companion animal to his or her owner; and other  
10 reasonable damages resulting from the intentional acts of the defendant.  
11 Such damages may also include court costs and attorney's fees.

12 § 3. This act shall take effect immediately.