

STATE OF NEW YORK

3038--B

2017-2018 Regular Sessions

IN ASSEMBLY

January 24, 2017

Introduced by M. of A. SANTABARBARA, WALSH, RA, LUPARDO, MURRAY, BYRNE, McDONOUGH, L. ROSENTHAL, RIVERA, LAVINE, ABBATE, JAFFEE, GLICK, BRONSON, STIRPE, COLTON, SEAWRIGHT, M. G. MILLER, PRETLOW, JOHNS, BLAKE, HUNTER, PICHARDO, THIELE, CUSICK, DAVILA, ENGLEBRIGHT, MAGEE, TITONE, JENNE, COOK, D'URSO, ORTIZ, OTIS, WEPRIN, PAULIN, HIKIND, GUNTHER, GALEF, SKOUFIS, BENEDETTO, ERRIGO, WALTER, STEC, B. MILLER, BLANKENBUSH, NORRIS, MORINELLO, LAWRENCE, MONTESANO, GARBARINO, GIGLIO, BRABENEC, CASTORINA, FINCH, RAIA, CROUCH, 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, BRINDISI, DINOWITZ, HOOPER, RODRIGUEZ, VANEL, RICHARDSON -- Multi-Sponsored by -- M. of A. BUTLER, DenDEKKER, FRIEND, McDONALD, PHEFFER AMATO, SIMON, WOERNER -- read once and referred to the Committee on Agriculture -- reported and referred to the Committee on Codes -- recommitted to the Committee on Codes 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 agriculture and markets law, in relation to expanding the definition of aggravated cruelty to animals to include harm to animals during the commission of a felony

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. Subdivision 1 of section 353-a of the agriculture and markets
- 4 law, as added by chapter 118 of the laws of 1999, is amended to read as
- 5 follows:
- 6 1. A person is guilty of aggravated cruelty to animals when~~[-]~~: either
- 7 (a) with no justifiable purpose, he or she intentionally kills or
- 8 intentionally causes serious physical injury , as defined in subdivision

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

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1 twenty-nine of section one hundred eight of this chapter, to a companion
2 animal with aggravated cruelty[~~+~~]; or

3 (b) in the course of commission of a felony, or of immediate flight
4 therefrom, he or she causes intentional physical injury, as defined in
5 subdivision twenty-eight of section one hundred eight of this chapter,
6 or death to a companion animal.

7 For purposes of this section, "aggravated cruelty" shall mean conduct
8 which: (i) is intended to cause extreme physical pain; or (ii) is done
9 or carried out in an especially depraved or sadistic manner.

10 § 3. This act shall take effect immediately.