

# STATE OF NEW YORK

2472

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 increasing certain penalties for aggravated cruelty to animals

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 "Phoenix's  
2 law".
- 3 § 2. Subdivision 3 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 3. Aggravated cruelty to animals is a felony. A defendant convicted of  
7 this offense shall be sentenced [~~pursuant to paragraph (b) of subdivi-~~  
8 ~~sion one of section 55.10 of the penal law provided, however, that any~~  
9 ~~term of imprisonment imposed for violation of this section shall be a~~  
10 ~~definite sentence, which may not exceed two years]~~ to a period of impri-  
11 sonment not to exceed four years, by a fine not to exceed ten thousand  
12 dollars or by both such fine and imprisonment. In addition to any other  
13 penalty provided by law, the court shall order any defendant convicted  
14 of this offense, including a defendant who has been adjudicated a youth-  
15 ful offender, to undergo a psychiatric evaluation by a qualified mental  
16 health professional and may require that such person, at his or her own  
17 expense, enter and complete any treatment or program deemed necessary to  
18 treat any mental disease, mental defect or mental condition, which may  
19 have caused or contributed to such offense.
- 20 § 3. This act shall take effect immediately.

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

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