

# STATE OF NEW YORK

1834

2019-2020 Regular Sessions

## IN ASSEMBLY

January 17, 2019

Introduced by M. of A. SANTABARBARA, WALSH, RA, LUPARDO, BYRNE, McDO-  
NOUGH, L. ROSENTHAL, RIVERA, LAVINE, ABBATE, JAFFEE, GLICK, BRONSON,  
STIRPE, COLTON, SEAWRIGHT, M. G. MILLER, PRETLOW, JOHNS, BLAKE, HUNT-  
ER, PICHARDO, THIELE, CUSICK, DAVILA, ENGLEBRIGHT, COOK, D'URSO,  
ORTIZ, OTIS, WEPRIN, PAULIN, GUNTHER, GALEF, BENEDETTO, STEC, B. MILL-  
ER, BLANKENBUSH, NORRIS, MORINELLO, LAWRENCE, MONTESANO, GARBARINO,  
GIGLIO, BRABENEC, FINCH, RAIA, CROUCH, MOSLEY, PALUMBO, JONES, HAWLEY,  
M. L. MILLER, MALLIOTAKIS, DiPIETRO, FITZPATRICK, LALOR, BARCLAY,  
PALMESANO, BARRETT, LIFTON, FAHY, HEVESI, DICKENS, BARNWELL, BUCHWALD,  
TITUS, WILLIAMS, KOLB, DINOWITZ, RODRIGUEZ, VANEL, RICHARDSON --  
Multi-Sponsored by -- M. of A. DenDEKKER, FRIEND, PHEFFER AMATO,  
SIMON, WOERNER -- read once and referred to the Committee on Agricul-  
ture

AN ACT to amend the agriculture and markets law, in relation to expand-  
ing 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 Assem-  
bly, 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[~~7~~]: either  
7 (a) with no justifiable purpose, he or she intentionally kills or  
8 intentionally causes serious physical injury, as defined in subdivision  
9 twenty-nine of section one hundred eight of this chapter, to a companion  
10 animal with aggravated cruelty[~~+~~]; or

11 (b) in the course of commission of a felony, or of immediate flight  
12 therefrom, he or she causes intentional physical injury, as defined in

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

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1 subdivision twenty-eight of section one hundred eight of this chapter,  
2 or death to a companion animal.

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

6 § 3. This act shall take effect immediately.