STATE OF NEW YORK

5644

2019-2020 Regular Sessions

IN ASSEMBLY

February 14, 2019

Introduced by M. of A. MALLIOTAKIS -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to penalties for those committing multiple animal cruelty offenses

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

Section 1. Section 353-a of the agriculture and markets law, as added by chapter 118 of the laws of 1999, is amended to read as follows:

§ 353-a. Aggravated cruelty to animals. 1. **(a)** 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 **or (b) when he or she commits an offense described in section three hundred fifty-three of this article and has been previously convicted of an offense under such section within the past ten years**. For purposes of this section, "aggravated cruelty" shall mean conduct which: (i) is intended to cause extreme physical pain; or (ii) is done or carried out in an especially depraved or sadistic manner.

2. Nothing contained in this section shall be construed to prohibit or interfere in any way with anyone lawfully engaged in hunting, trapping, or fishing, as provided in article eleven of the environmental conservation law, the dispatch of rabid or diseased animals, as provided in article twenty-one of the public health law, or the dispatch of animals posing a threat to human safety or other animals, where such action is otherwise legally authorized, or any properly conducted scientific tests, experiments, or investigations involving the use of living animals, performed or conducted in laboratories or institutions approved for such purposes by the commissioner of health pursuant to section three hundred fifty-three of this article.

3. Aggravated cruelty to animals is a felony. A defendant convicted of this offense shall be [~~**sentenced pursuant to paragraph (b) of subdivi-**~~

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

LBD07344-01-9

~~sion one of section 55.10 of the penal law provided, however, that any term of imprisonment imposed for violation of this section shall be a definite sentence, which may not exceed two years~~] guilty of a class E felony; a defendant convicted of an offense under paragraph (a) of subdivision one of this section who has previously been convicted of an offense under section three hundred fifty-three of this article shall be guilty of a class D felony; a defendant convicted of this offense who has previously been convicted of an offense under this section shall be guilty of a class C felony.

§ 2. This act shall take effect immediately.