

# STATE OF NEW YORK

831

2019-2020 Regular Sessions

## IN ASSEMBLY

January 11, 2019

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

AN ACT to amend the agriculture and markets law, in relation to aggravated cruelty to animals in the presence of a child

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

1 Section 1. Subdivision 3 of section 353-a of the agriculture and  
2 markets law, as added by chapter 118 of the laws of 1999, is amended to  
3 read as follows:

4 3. Aggravated cruelty to animals is a felony. A defendant convicted of  
5 this offense shall be sentenced pursuant to paragraph (b) of subdivision  
6 one of section 55.10 of the penal law provided, however, that any term  
7 of imprisonment imposed for violation of this section shall be a definite  
8 sentence, which may not exceed two years, except that any person  
9 who commits one or more of the acts specified in subdivision one of this  
10 section in the presence of a child may be sentenced to a period not to  
11 exceed four years. For purposes of this section, "in the presence of a  
12 child" shall mean in the physical presence of a child under the age of  
13 eighteen knowing or having reason to know that child is present and may  
14 see or hear such act.

15 § 2. This act shall take effect on the one hundred eightieth day after  
16 it shall have become a law.

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

LBD02462-01-9