

STATE OF NEW YORK

3867

2019-2020 Regular Sessions

IN SENATE

February 20, 2019

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed to the Committee on Domestic Animal Welfare

AN ACT to amend the penal law, in relation to codifying animal cruelty laws under such law; to amend the agriculture and markets law, the general business law, the family court act, the criminal procedure law, the environmental conservation law, the public authorities law and the administrative code of the city of New York, in relation to making necessary technical and conforming changes; and repealing certain provisions of the agriculture and markets law relating thereto

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

1 Section 1. Sections 350, 351, 353, 353-a, 353-b, 353-c, 353-d, 353-e,
2 353-f, 354, 355, 356, 359, 360, 361, 362, 363, 364, 365, 366, 366-a,
3 368, 375 and 376 of the agriculture and markets law are REPEALED.

4 § 2. Subdivision 8 of section 374 of the agriculture and markets law
5 is REPEALED.

6 § 3. Part 3 of the penal law is amended by adding a new title Q to
7 read as follows:

TITLE Q

OFFENSES AGAINST ANIMALS

ARTICLE 280

OFFENSES AGAINST ANIMALS

12 Section 280.00 Offenses against animals; definitions of terms.

13 280.05 Facilitating animal fighting in the first degree.

14 280.06 Facilitating animal fighting in the second degree.

15 280.07 Facilitating animal fighting in the third degree.

16 280.10 Overdriving, torturing or injuring animals; failure to
17 provide proper sustenance.

18 280.15 Aggravated cruelty to animals.

19 280.20 Failure to provide appropriate shelter for a dog left
20 outdoors.

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

LBD02155-01-9

- 1 280.25 Electrocution of fur-bearing animals.
2 280.30 Confinement of a companion animal in a vehicle; extreme
3 temperatures.
4 280.35 Participation in a prohibited practice at a companion
5 animal grooming facility.
6 280.40 Piercing and tattooing of a companion animal.
7 280.45 Unlawful sale of baby chicks and baby rabbits.
8 280.50 Abandonment of an animal.
9 280.55 Failure to provide proper food and drink to impounded
10 animals.
11 280.60 Carrying an animal in a cruel manner.
12 280.65 Poisoning or attempting to poison animals in the first
13 degree.
14 280.66 Poisoning or attempting to poison animals in the second
15 degree.
16 280.70 Interference with or injury to certain domestic animals.
17 280.75 Throwing a substance injurious to animals in a public
18 place.
19 280.80 Unauthorized possession of dogs; presumptive evidence of
20 larceny.
21 280.85 Running horses on a highway.
22 280.90 Clipping or cutting the ears of a dog.
23 280.95 Stealing a companion animal.
24 280.100 Removing, seizing or transporting a dog for research
25 purposes.
26 280.105 Unlawfully operating upon the tails of horses.
27 280.110 Evidentiary and impoundment procedures by members of law
28 enforcement.
29 280.115 Disposition of animals through forfeiture procedures
30 after conviction.
31 280.120 Officer may take possession of animals or implements
32 used in fights among animals.
33 280.125 Disposition of animals or implements used in fights
34 among animals.
35 § 280.00 Offenses against animals; definitions of terms.
36 The following definitions are applicable to this article:
37 (a) "Animal" includes every living creature except a human being.
38 (b) "Torture" or "cruelty" includes every act, omission, or neglect,
39 whereby unjustifiable physical pain, suffering or death is caused or
40 permitted.
41 (c) "Adoption" means the delivery to any natural person eighteen years
42 of age or older, for the limited purpose of harboring a pet seized or
43 surrendered.
44 (d) "Farm animal" means any ungulate, poultry, species of cattle,
45 sheep, swine, goats, llamas, horses or fur-bearing animals, as defined
46 in section 11-1907 of the environmental conservation law, which are
47 raised for commercial or sustenance purposes. Fur-bearing animal shall
48 not include dogs or cats.
49 (e) "Companion animal" or "pet" means any dog or cat, and shall also
50 mean any other domesticated animal normally maintained in or near the
51 household of the owner or person who cares for such other domesticated
52 animal. "Pet" or "companion animal" shall not include a "farm animal" as
53 defined in subdivision (d) of this section.
54 (f) "Animal fighting" shall mean any fight between cocks or other
55 birds, or between dogs, bulls, bears or any other animal, or between any

1 such animal and a person or persons, except in exhibitions of a kind
2 commonly featured at rodeos.

3 (g) "Animal fighting paraphernalia" shall mean equipment, products, or
4 materials of any kind that are used, intended for use, or designed for
5 use in the training, preparation, conditioning or furtherance of animal
6 fighting. Animal fighting paraphernalia shall include the following:

7 (i) a breaking stick, which means a device designed for insertion
8 behind the molars of a dog for the purpose of breaking the dog's grip on
9 another animal or object;

10 (ii) a cat mill, which means a device that rotates around a central
11 support with one arm designed to secure a dog and one arm designed to
12 secure a cat, rabbit, or other small animal beyond the grasp of the dog;

13 (iii) a treadmill, which means an exercise device consisting of an
14 endless belt on which the animal walks or runs without changing places;

15 (iv) a springpole, which means a biting surface attached to a stretch-
16 able device, suspended at a height sufficient to prevent a dog from
17 reaching the biting surface while touching the ground;

18 (v) a fighting pit, which means a walled area, or otherwise defined
19 area, designed to contain an animal fight; or

20 (vi) any other instrument commonly used in the furtherance of pitting
21 an animal against another animal.

22 (h) "Physical condition" shall include any special medical needs of a
23 dog due to disease, illness, injury, age or breed about which the owner
24 or person with custody or control of the dog should reasonably be aware.

25 (i) "Inclement weather" shall mean weather conditions that are likely
26 to adversely affect the health or safety of a dog, including but not
27 limited to, rain, sleet, ice, snow, wind, or extreme heat and cold.

28 (j) "Dogs that are left outdoors" shall mean dogs that are outdoors in
29 inclement weather without ready access to, or the ability to enter, a
30 house, apartment building, office building, or any other permanent
31 structure that complies with the standards established under paragraph
32 (ii) of subdivision (b) of section 280.20 of this article.

33 (k) "Fur-bearing animal" shall include arctic fox, red fox, silver
34 fox, chinchilla, mink, pine marten, muskrat, and those fur-bearing
35 animals included within the provisions of section 11-1907 of the envi-
36 ronmental conservation law.

37 (l) "Cage and box dryer" shall mean a product that is attached to or
38 near a cage or box for the purpose of drying or aiding in the drying of
39 a companion animal contained in a cage or box, which is capable of func-
40 tioning without a person manually holding a dryer.

41 (m) "Companion animal grooming facility" shall mean an establishment
42 where a companion animal may be bathed, brushed, clipped or styled for a
43 fee.

44 (n) "Tattoo" shall mean a mark on the body made with indelible ink or
45 pigments injected beneath the outer layer of the skin.

46 (o) "Baby rabbit" shall mean a rabbit of less than two months of age.
47 § 280.05 Facilitating animal fighting in the first degree.

48 A person is guilty of facilitating animal fighting in the first degree
49 when he or she:

50 (a) for amusement or gain, causes any animal to engage in animal
51 fighting; or

52 (b) trains any animal under circumstances evincing an intent that such
53 animal engage in animal fighting for amusement or gain; or

54 (c) breeds, sells or offers for sale any animal under circumstances
55 evincing an intent that such animal engage in animal fighting; or

1 (d) permits any act described in subdivision (a), (b) or (c) of this
2 section to occur on premises under his or her control; or

3 (e) owns, possesses or keeps any animal trained to engage in animal
4 fighting on premises where an exhibition of animal fighting is being
5 conducted under circumstances evincing an intent that such animal engage
6 in animal fighting.

7 Facilitating animal fighting in the first degree is a class D felony.

8 § 280.06 Facilitating animal fighting in the second degree.

9 A person is guilty of facilitating animal fighting in the second
10 degree when he or she:

11 (a) owns, possesses or keeps any animal under circumstances evincing
12 an intent that such animal engage in animal fighting;

13 (b) paid an admission fee or made a wager at any place where an exhi-
14 bition of animal fighting is being conducted;

15 (c) knowingly participates as a spectator at any place where an exhi-
16 bition of animal fighting is being conducted and has been previously
17 found guilty of such offense or for violating subdivision (b) of this
18 section in the previous five years; or

19 (d) intentionally owns, possesses, sells, transfers or manufactures
20 animal fighting paraphernalia with the intent to engage in or otherwise
21 promote or facilitate animal fighting and has been previously found
22 guilty of such offense in the previous five years.

23 Facilitating animal fighting in the second degree is a class A misde-
24 meanor.

25 § 280.07 Facilitating animal fighting in the third degree.

26 A person is guilty of facilitating animal fighting in the third degree
27 when he or she:

28 (a) knowingly participates as a spectator at any place where an exhi-
29 bition of animal fighting is being conducted; or

30 (b) intentionally owns, possesses, sells, transfers or manufactures
31 animal fighting paraphernalia, as defined in subdivision (g) of section
32 280.00 of this article, with the intent to engage in or otherwise
33 promote or facilitate animal fighting.

34 Facilitating animal fighting in the third degree is a class B misde-
35 meanor.

36 § 280.10 Overdriving, torturing or injuring animals; failure to provide
37 proper sustenance.

38 (a) A person is guilty of overdriving, torturing, injuring or failing
39 to provide proper sustenance to an animal if he or she:

40 (i) overdrives, overloads, tortures, beats or unjustifiably injures,
41 maims, mutilates or kills any animal, whether wild or tame, and whether
42 belonging to such person or to another;

43 (ii) deprives any animal of necessary food or drink by neglecting or
44 refusing to furnish an animal with such food or drink;

45 (iii) causes, procures or permits any animal to be overdriven, over-
46 loaded, tortured, beaten, or unjustifiably injured, maimed, mutilated or
47 killed;

48 (iv) causes, procures or permits any animal to be deprived of neces-
49 sary food or drink; or

50 (v) wilfully instigates, engages in, or in any way furthers any act of
51 cruelty to any animal, or any act tending to produce such cruelty.

52 (b) Nothing in this section shall be construed to prohibit or inter-
53 fere with any properly conducted scientific tests, experiments or inves-
54 tigations, involving the use of living animals, performed or conducted
55 in laboratories or institutions, which are approved for these purposes
56 by the commissioner of health. The commissioner of health shall

1 prescribe the rules under which such approvals shall be granted, includ-
2 ing therein standards regarding the care and treatment of any such
3 animals. Such rules shall be published and copies thereof conspicuously
4 posted in each such laboratory or institution. The commissioner of
5 health or his or her duly authorized representative shall have the power
6 to inspect such laboratories or institutions to insure compliance with
7 such rules and standards. Each such approval may be revoked at any time
8 for failure to comply with such rules and in any case the approval shall
9 be limited to a period not exceeding one year.

10 Overdriving, torturing or injuring animals or failing to provide
11 sustenance to an animal is a class A misdemeanor.

12 § 280.15 Aggravated cruelty to animals.

13 (a) A person is guilty of aggravated cruelty to animals when he or
14 she, with no justifiable purpose, intentionally kills or intentionally
15 causes serious physical injury to a companion animal with aggravated
16 cruelty. For purposes of this section, "aggravated cruelty" shall mean
17 conduct which:

18 (i) is intended to cause extreme physical pain; or

19 (ii) is done or carried out in an especially depraved or sadistic
20 manner.

21 (b) Nothing contained in this section shall be construed to prohibit
22 or interfere in any way with anyone lawfully engaged in hunting, trap-
23 ping, or fishing, as provided in article eleven of the environmental
24 conservation law; the dispatch of rabid or diseased animals, as provided
25 in article twenty-one of the public health law; the dispatch of animals
26 posing a threat to human safety or other animals, where such action is
27 otherwise legally authorized; or any properly conducted scientific
28 tests, experiments, or investigations involving the use of living
29 animals, performed or conducted in laboratories or institutions approved
30 for such purposes by the commissioner of health pursuant to subdivision
31 (b) of section 280.10 of this article.

32 Aggravated cruelty to animals is a class D felony.

33 § 280.20 Failure to provide appropriate shelter for a dog left outdoors.

34 (a) A person is guilty of failing to provide appropriate shelter for a
35 dog left outdoors, as defined in subdivision (j) of section 280.00 of
36 this article, when he or she knowingly fails to provide appropriate
37 shelter specific to the breed and physical condition of such dog and the
38 climate outdoors.

39 (b) For purposes of this section, minimum standards for determining
40 whether shelter is appropriate to the breed and physical condition, as
41 defined in subdivision (h) of section 280.00 of this article, of such
42 dog and the climate outdoors shall include:

43 (i) for dogs that are restrained in any manner outdoors, shade by
44 natural or artificial means to protect such dog from direct sunlight at
45 all times when exposure to sunlight is likely to threaten the health of
46 such dog;

47 (ii) for all dogs left outdoors in inclement weather, a housing facil-
48 ity, which must: (1) have a waterproof roof; (2) be structurally sound
49 with insulation appropriate to local climatic conditions and sufficient
50 to protect such dog from inclement weather; (3) be constructed to allow
51 each dog adequate freedom of movement to make normal postural adjust-
52 ments, including the ability to stand up, turn around and lie down with
53 its limbs outstretched; and (4) allow for effective removal of excre-
54 tions, other waste material including but not limited to, dirt and
55 trash. Such housing facility and the area immediately surrounding it

1 shall be regularly cleaned to maintain a healthy and sanitary environ-
2 ment and to minimize health hazards.

3 (c) Inadequate shelter may be indicated by the appearance of the hous-
4 ing facility itself, including but not limited to, size, structural
5 soundness, evidence of crowding within such housing facility, healthful
6 environment in the area immediately surrounding such facility, or by the
7 appearance or physical condition of the dog.

8 (d) Nothing in this section shall be construed to affect any
9 protections afforded to dogs or other animals under any other provisions
10 of this article.

11 (e) Nothing in this section shall prevent the seizure of a dog for a
12 violation of this section pursuant to the authority granted under this
13 article. Upon a finding of any violation of this section, any dog or
14 dogs seized pursuant to the provisions of this article that have not
15 been voluntarily surrendered by the owner or custodian or forfeited
16 pursuant to court order shall be returned to the owner or custodian only
17 upon proof that appropriate shelter as required by this section is being
18 provided.

19 (f) Beginning seventy-two hours after a charge of violating this
20 section, each day that a defendant fails to correct the deficiencies in
21 the dog shelter for a dog that he or she owns or that is in his or her
22 custody or control and that is left outdoors, so as to bring such shel-
23 ter into compliance with the provisions of this section, shall consti-
24 tute a separate offense.

25 Failure to provide appropriate shelter for dogs left outdoors is a
26 violation punishable by a fine of not less than fifty dollars nor more
27 than one hundred dollars for a first offense, and a fine of not less
28 than one hundred dollars nor more than two hundred fifty dollars for a
29 second and subsequent offenses. The court may, in its discretion, reduce
30 the amount of any fine imposed for a violation of this section by the
31 amount which the defendant proves he or she has spent providing a dog
32 shelter or repairing an existing dog shelter to comply with the require-
33 ments of this section.

34 § 280.25 Electrocutation of fur-bearing animals.

35 A person is guilty of electrocutation of fur-bearing animals when he or
36 she, notwithstanding any other provision of law, intentionally kills or
37 stuns a fur-bearing animal by means of an electrical current.

38 Electrocutation of fur-bearing animals is a class A misdemeanor.

39 § 280.30 Confinement of a companion animal in a vehicle; extreme temper-
40 atures.

41 (a) A person is guilty of confinement of a companion animal in a vehi-
42 cle in extreme temperatures when he or she confines a companion animal
43 in a motor vehicle in extreme heat or cold without proper ventilation or
44 other protection from such extreme temperatures where such confinement
45 places such companion animal in imminent danger of death or serious
46 physical injury due to exposure to such extreme heat or cold.

47 (b) If the operator of such vehicle cannot be promptly located, a
48 police officer, peace officer, or peace officer acting as an agent of a
49 duly incorporated humane society may take necessary steps to remove the
50 animal or animals from such vehicle.

51 (i) Police officers, peace officers or peace officers acting as agents
52 of a duly incorporated humane society removing an animal or animals from
53 a vehicle pursuant to this section shall place a written notice on or in
54 the vehicle, bearing the name of the officer or agent, and the depart-
55 ment or agency and address where the animal or animals will be taken.

1 (ii) An animal or animals removed from a vehicle pursuant to this
2 section shall, after receipt of any necessary emergency veterinary
3 treatment, be delivered to the duly incorporated humane society or soci-
4 ety for the prevention of cruelty to animals, or designated agent there-
5 of, in the jurisdiction where the animal or animals were seized.

6 (iii) Officers shall not be held criminally or civilly liable for
7 actions taken reasonably and in good faith in carrying out the
8 provisions of this section.

9 (c) Nothing contained in this section shall be construed to affect any
10 other protections afforded to companion animals under any other
11 provisions of this article.

12 Confinement of a companion animal in a vehicle in extreme temperatures
13 is a violation punishable by a fine of not less than fifty dollars nor
14 more than one hundred dollars for a first offense, and a fine of not
15 less than one hundred dollars nor more than two hundred fifty dollars
16 for a second and subsequent offenses.

17 § 280.35 Participation in a prohibited practice at a companion animal
18 grooming facility.

19 (a) A person is guilty of participating in a prohibited practice at a
20 companion animal grooming facility, as defined in subdivision (m) of
21 section 280.00 of this article, when he or she uses a cage or box dryer,
22 as defined in subdivision (l) of section 280.00 of this section, which
23 contains a heating element with the heating element turned on for the
24 purpose of drying or aiding in the drying of a companion animal.

25 (b) Nothing contained in this section shall limit or abrogate any
26 claim or cause of action any person may have under common law or by
27 statute. The provisions of this section shall be in addition to any such
28 common law and statutory remedies.

29 Participation in a prohibited practice at a companion animal grooming
30 facility is a violation punishable by a civil penalty of not less than
31 two hundred fifty dollars nor more than five hundred dollars for each
32 violation.

33 § 280.40 Piercing and tattooing of a companion animal.

34 A person is guilty of piercing or tattooing of a companion animal when
35 he or she:

36 (a) pierces or causes to have pierced a companion animal, unless such
37 piercing provides a medical benefit to the companion animal whereas such
38 piercing shall be performed by a licensed veterinarian or under the
39 supervision of a licensed veterinarian; or

40 (b) tattoos or causes to have tattooed a companion animal, unless such
41 tattoo, as defined in subdivision (n) of section 280.00 of this article:

42 (i) is done in conjunction with a medical procedure performed by a
43 licensed veterinarian or under the supervision of a licensed veterinari-
44 an for the benefit of the companion animal and to indicate that such
45 medical procedure has been done, provided that such tattoo is not for
46 design purposes; or

47 (ii) is done for the purpose of identification of the companion animal
48 and not for design purposes, and such tattoo includes only such numbers
49 and/or letters allotted by a corporation that, in the regular course of
50 its business, maintains an animal tattoo identification registry.

51 Piercing and tattooing of a companion animal is a violation.

52 § 280.45 Unlawful sale of baby chicks and baby rabbits.

53 (a) A person is guilty of unlawful sale of baby chicks or baby rabbits
54 when he or she:

55 (i) sells, offers for sale, barter or gives away living baby chicks,
56 ducklings or other fowl or baby rabbits, as defined in subdivision (o)

1 of section 280.00 of this article, unless such person provides proper
2 brooder facilities appropriate for the care of such baby chicks, duck-
3 lings or other fowl or baby rabbits during the time they are in the
4 possession of such person;

5 (ii) sells, offers for sale, barter or displays living baby chicks,
6 ducklings or other fowl or baby rabbits which have been dyed, colored or
7 otherwise treated so as to impart to them an artificial color; or

8 (iii) sells, offers for sale, barter or gives away living baby
9 chicks, ducklings or other fowl or baby rabbits under two months of age
10 in any quantity less than six.

11 (b) Nothing under this section shall be interpreted or applied to
12 prevent or restrict teachers and qualified instructors of youth under
13 the guidance and supervision of the New York state cooperative extension
14 service from using eggs for non-profit educational purposes or from
15 observing fowl hatched from such eggs for non-profit educational
16 purposes.

17 Unlawful sale of baby chicks and baby rabbits is a class A misdemea-
18 nor.

19 § 280.50 Abandonment of an animal.

20 A person is guilty of abandonment of an animal when he or she, being
21 the owner or possessor, or having charge or custody of an animal, aban-
22 dons such animal, or leaves it to die in a street, road or public place,
23 or who allows such animal, if it becomes disabled, to lie in a public
24 street, road or public place more than three hours after he or she
25 receives notice that it is left disabled.

26 Abandonment of an animal is a class A misdemeanor.

27 § 280.55 Failure to provide proper food and drink to impounded animals.

28 (a) A person is guilty of failure provide proper food and drink to
29 impounded animals when he or she, having impounded or confined any
30 animal, refuses or neglects to supply to such animal during its confine-
31 ment a sufficient supply of good and wholesome air, food, shelter and
32 water.

33 (b) If any animal shall be impounded pursuant to subdivision (a) of
34 this section, and shall continue to be without necessary food and water
35 for more than twelve successive hours, it shall be lawful for any
36 person, from time to time, and as often as it shall be necessary, to
37 enter into and upon such impound and supply such animal with necessary
38 food and water, so long as it shall remain so confined; such person
39 shall not be liable to any action for such entry, and the reasonable
40 cost of such food and water may be collected by such person from the
41 owner of such animal, and such animal shall not be exempt from levy and
42 sale upon execution issued upon a judgment therefor.

43 Failure to provide proper food and drink to impounded animals is a
44 class A misdemeanor.

45 § 280.60 Carrying an animal in a cruel manner.

46 A person is guilty of carrying an animal in a cruel manner when:

47 (a) he or she carries or causes to be carried in or upon any vessel or
48 vehicle or otherwise, any animal in a cruel or inhumane manner, or so as
49 to produce torture; or

50 (b) a railway corporation, or an owner, agent, consignee, or person in
51 charge of any horses, sheep, cattle, or swine, in the course of, or for
52 transportation, who confines, or causes or suffers the same to be
53 confined, in cars for a longer period than twenty-eight consecutive
54 hours, or thirty-six consecutive hours where consent is given in the
55 manner hereinafter provided, without unloading for rest, water and feed-

1 ing, during five consecutive hours, unless prevented by storm or inevi-
2 table accident.

3 (i) The consent which will extend the period from twenty-eight to
4 thirty-six hours shall be given by the owner, or by the person in custo-
5 dy of a particular shipment, by writing separate and apart from any
6 printed bill of lading or other railroad form.

7 (ii) In estimating such confinement, the time during which the animals
8 have been confined without rest, on connecting roads from which they are
9 received, must be computed.

10 Carrying an animal in a cruel manner is a class A misdemeanor.

11 § 280.65 Poisoning or attempting to poison animals in the first degree.

12 A person is guilty of poisoning or attempting to poison animals in the
13 first degree when he or she:

14 (a) unjustifiably administers any poisonous or noxious drug or
15 substance to a horse, mule or domestic cattle; or

16 (b) unjustifiably exposes any such drug or substance with intent that
17 the same shall be taken by a horse, mule or by domestic cattle, whether
18 such horse, mule or domestic cattle is the property of such person or
19 another.

20 Poisoning or attempting to poison animals in the first degree is a
21 class E felony.

22 § 280.66 Poisoning or attempting to poison animals in the second degree.

23 A person is guilty of poisoning or attempting to poison animals in the
24 second degree when he or she:

25 (a) unjustifiably administers any poisonous or noxious drug or
26 substance to an animal, other than a horse, mule or domestic cattle; or

27 (b) unjustifiably exposes any such drug or substance with intent that
28 the same shall be taken by an animal other than a horse, mule or domes-
29 tic cattle, whether such animal is the property of such person or anoth-
30 er.

31 Poisoning or attempting to poison animals in the second degree is a
32 class A misdemeanor.

33 § 280.70 Interference with or injury to certain domestic animals.

34 A person is guilty of interference with or injury to certain domestic
35 animals when he or she willfully or unjustifiably interferes with,
36 injures, destroys or tampers with or who willfully permits, instigates,
37 engages in or in any way furthers any act by which any horse, mule, dog
38 or any other domestic animal used for the purposes of racing, breeding
39 or competitive exhibition of skill, breed or stamina, is interfered
40 with, injured, destroyed or tampered with, or any act tending to produce
41 such interference, injury, destruction or tampering, whether such horse,
42 mule, dog or other domestic animal is the property of such person or
43 another.

44 Interference with or injury to certain domestic animals is a class E
45 felony.

46 § 280.75 Throwing a substance injurious to animals in a public place.

47 A person is guilty of throwing a substance injurious to animals in a
48 public place when he or she willfully throws, drops or places, or causes
49 to be thrown, dropped or placed upon any road, highway, street or public
50 place, any glass, nails, pieces of metal, or other substance which might
51 wound, disable or injure any animal.

52 Throwing a substance injurious to animals in a public place is a class
53 A misdemeanor.

54 § 280.80 Unauthorized possession of dogs; presumptive evidence of larceny.
55

1 The unauthorized possession of a dog or dogs, by any person not the
2 true owner, for a period exceeding ten days, without notifying either
3 the owner, the local police authorities, or the superintendent of the
4 state police of such possession, shall be presumptive evidence of larceny.

5
6 § 280.85 Running horses on a highway.

7 A person is guilty of running horses on a highway when he or she is
8 driving any vehicle upon any plank road, turnpike or public highway, who
9 unjustifiably runs the horses drawing the same, or causes or permits
10 them to run.

11 Running horses on a highway is a class A misdemeanor.

12 § 280.90 Clipping or cutting the ears of a dog.

13 (a) A person is guilty of clipping or cutting the ears of a dog when
14 he or she clips or cuts off or causes or procures another to clip or cut
15 off the whole or any part of an ear of any dog unless an anaesthetic
16 shall have been given to the dog and the operation is performed by a
17 licensed veterinarian.

18 (b) Each applicant for a dog license must state on such application
19 whether any ear of the dog for which he or she applies for such license
20 has been cut off wholly or in part.

21 (c) Nothing in this section shall be construed as preventing any dog
22 whose ear or ears have been clipped or cut off wholly or in part, not in
23 violation of this section, from being imported into the state exclusive-
24 ly for breeding purposes.

25 Clipping or cutting the ears of a dog is a class A misdemeanor.

26 § 280.95 Stealing a companion animal.

27 A person is guilty of stealing a companion animal when he or she:

28 (a) removes or causes to be removed the collar, identification tag or
29 any other identification by which the owner may be ascertained from any
30 dog, cat or any other companion animal, as defined in subdivision (e) of
31 section 280.00 of this article;

32 (b) entices any identified dog, cat or other such companion animal
33 into or out of any house or enclosure for the purpose of removing its
34 collar, tag or any other identification, except with the owner's permis-
35 sion;

36 (c) entices, seizes or molests any companion animal, while it is being
37 held or led by any person or while it is properly muzzled or wearing a
38 collar with an identification tag attached, except where such action is
39 incidental to the enforcement of some law or regulation; or

40 (d) transports any companion animal, not lawfully in his or her
41 possession, for the purpose of killing or selling such companion animal.

42 Stealing a companion animal is a class A misdemeanor.

43 § 280.100 Removing, seizing or transporting a dog for research purposes.

44 A person is guilty of removing, seizing or transporting a dog for
45 research purposes when he or she removes, seizes or transports or causes
46 to remove, seize or transport any dog which belongs to or is licensed to
47 another for the purpose of sale, barter or to give away said dog to a
48 laboratory, hospital, research institute, medical school or any agency
49 or organization engaged in research activity, without the express writ-
50 ten permission of the owner or licensee.

51 Removing, seizing or transporting a dog for research purposes is a
52 class A misdemeanor.

53 § 280.105 Unlawfully operating upon the tails of horses.

54 (a) A person is guilty of unlawfully operating upon the tails of hors-
55 es when he or she:

1 (i) cuts the bone, tissues, muscles or tendons of the tail of any
2 horse, mare or gelding, or otherwise operates upon it in any manner for
3 the purpose or with the effect of docking, setting, or otherwise alter-
4 ing the natural carriage of the tail, or who knowingly permits the same
5 to be done upon premises of which he or she is the owner, lessee,
6 proprietor or user, or who assists in or is voluntarily present at such
7 cutting; or

8 (ii) shows or exhibits at any horse show or other like exhibition in
9 this state a horse, mare or gelding, the tail of which has been cut or
10 operated upon pursuant to subdivision (a) of this section.

11 (1) Provided that the provisions of this section shall not apply with
12 respect to an animal the tail of which has been so cut or operated upon,
13 if the owner thereof furnishes to the manager or other official having
14 charge of the horse show or exhibition at which such animal is shown or
15 exhibited, an affidavit by the owner, or a licensed veterinarian, in a
16 form approved by the department of agriculture and markets, stating that
17 the tail of such horse was so cut in a state wherein such cutting was
18 not then specifically prohibited by the laws thereof.

19 (2) Such affidavit shall, to the best of the affiant's knowledge,
20 information and belief, identify the animal with respect to sex, age,
21 markings, sire and dam, and state the time and place of such cutting and
22 the name and address of the person by whom it was performed.

23 (3) The affidavit shall be subject to inspection at all reasonable
24 times by any peace officer, acting pursuant to his or her special
25 duties, or police officer of this state, or by a designated represen-
26 tative of the commissioner of agriculture and markets.

27 (4) In lieu of furnishing such affidavit to the manager or other offi-
28 cial having charge of such horse show or exhibition, the owner of such
29 horse may specify on the entry blank for the horse show or exhibition
30 the name and address of a central registry office designated by the
31 department of agriculture and markets where such an affidavit has
32 already been filed and is available for inspection.

33 (b) If a horse is found with the bone, tissues, muscles or tendons of
34 its tail cut as described in subdivision (a) of this section, and with
35 the wound resulting therefrom unhealed, upon the premises or in the
36 charge and custody of any person, such fact shall be prima facie
37 evidence of a violation of this section by the owner or user of such
38 premises or the person having such charge or custody, respectively.

39 Unlawfully operating upon the tails of horses is a class A misdemea-
40 nor.

41 § 280.110 Evidentiary and impoundment procedures by members of law
42 enforcement.

43 Matters relating to the seizure, adoption, care, disposition and
44 destruction of animals by members of law enforcement and members of a
45 duly incorporated society for the prevention of cruelty to animals
46 charged to enforce this article, ancillary to such enforcement of this
47 article, shall be governed by article twenty-six of the agriculture and
48 markets law and article six hundred ninety of the criminal procedure
49 law.

50 § 280.115 Disposition of animals through forfeiture procedures after
51 conviction.

52 (a) In addition to any other penalty provided by law, upon conviction
53 for any violation of section 280.05, 280.06, 280.07, 280.10, 280.15,
54 280.20, 280.50, 280.55, 280.60, 280.65, 280.66, 280.75, or 280.105 of
55 this article, the convicted person may, after a duly held hearing pursu-
56 ant to subdivision (f) of this section, be ordered by the court to

1 forfeit, to a duly incorporated society for the prevention of cruelty to
2 animals or a duly incorporated humane society or authorized agents ther-
3 eof, the animal or animals which are the basis of such conviction. Upon
4 such an order of forfeiture, the convicted person shall be deemed to
5 have relinquished all rights to the animals which are the basis of such
6 conviction, except those granted in subdivision (d) of this section.

7 (b) No animal in the custody of a duly incorporated society for the
8 prevention of cruelty to animals, a duly incorporated humane society,
9 duly incorporated animal protective association, pound or its authorized
10 agents thereof, shall be sold, transferred or otherwise made available
11 to any person for the purpose of research, experimentation or testing.
12 No authorized agent of a duly incorporated society for the prevention of
13 cruelty to animals, nor of a duly incorporated humane society, duly
14 incorporated animal protective association or pound shall use any animal
15 placed in its custody by the duly incorporated society for the
16 prevention of cruelty to animals or duly incorporated humane society for
17 the purpose of research, experimentation or testing.

18 (c) The court may additionally order that the convicted person or any
19 person dwelling in the same household who conspired, aided or abetted in
20 the unlawful act which was the basis of the conviction, or who knew or
21 should have known of the unlawful act, shall not own, harbor, or have
22 custody or control of any other animals, other than farm animals, for a
23 period of time which the court deems reasonable.

24 (d) In the case of farm animals, the court may, in addition to the
25 forfeiture to a duly incorporated society for the prevention of cruelty
26 to animals or a duly incorporated humane society or authorized agents
27 thereof, and subject to the restrictions of section 280.45 of this arti-
28 cle and section three hundred fifty-seven of the agriculture and markets
29 law, order the farm animals which were the basis of such conviction to
30 be sold. In no case shall farm animals which are the basis of the
31 conviction be redeemed by the convicted person who is the subject of the
32 order of forfeiture or by any person dwelling in the same household who
33 conspired, aided or abetted in the unlawful act which was the basis of
34 such conviction, or who knew or should have known of the unlawful act.
35 The court shall reimburse the convicted person and any duly determined
36 interested persons, pursuant to subdivision (f) of this section, any
37 money earned by the sale of the farm animals less any costs including,
38 but not limited to, veterinary and custodial care, and any fines or
39 penalties imposed by the court. The court may order that the subject
40 animals be provided with appropriate care and treatment pending the
41 hearing and the disposition of the charges. Any farm animal ordered
42 forfeited but not sold shall be remanded to the custody and charge of a
43 duly incorporated society for the prevention of cruelty to animals or
44 duly incorporated humane society or its authorized agent thereof and
45 disposed of pursuant to subdivision (e) of this section.

46 (e) A duly incorporated society for the prevention of cruelty to
47 animals or a duly incorporated humane society in charge of animals
48 forfeited pursuant to subdivision (a) of this section may, in its
49 discretion, lawfully and without liability, adopt them to individuals
50 other than the convicted person or person dwelling in the same household
51 who conspired, aided or abetted in the unlawful act which was the basis
52 of such conviction, or who knew or should have known of the unlawful
53 act, or humanely euthanize them according to the provisions of section
54 three hundred seventy-four of the agriculture and markets law.

55 (f) (i) Prior to an order of forfeiture of farm animals, a hearing
56 shall be held within thirty days of conviction, to determine the pecuni-

1 ary interests of any other person in the farm animals which were the
2 basis of the conviction. Written notice shall be served at least five
3 days prior to the hearing upon all interested persons. In addition,
4 notice shall be made by publication in a local newspaper at least seven
5 days prior to the hearing. For the purposes of this subdivision, inter-
6 ested persons shall mean any individual, partnership, firm, joint stock
7 company, corporation, association, trust, estate, or other legal entity
8 who the court determines may have a pecuniary interest in such farm
9 animals.

10 (ii) All interested persons shall be provided an opportunity at the
11 hearing to redeem their interest as determined by the court in such farm
12 animals and to purchase the interest of the convicted person. The
13 convicted person shall be entitled to be reimbursed his or her interest
14 in the farm animals, less any costs, fines or penalties imposed by the
15 court, as specified under subdivision (d) of this section. In no case
16 shall the court award custody or control of the animals to any inter-
17 ested person who conspired, aided or abetted in the unlawful act which
18 was the basis of such conviction, or who knew or should have known of
19 such unlawful act.

20 (g) Nothing in this section shall be construed to limit or restrict in
21 any way the rights of a secured party having a security interest in any
22 farm animal described in this section. This section expressly does not
23 impair or subordinate the rights of such a secured lender having a secu-
24 rity interest in farm animals or in the proceeds from the sale of such
25 farm animals.

26 § 280.120 Officer may take possession of animals or implements used in
27 fight among animals.

28 Any officer authorized by law to make arrests may lawfully take
29 possession of any animals, or implements, or other property used or
30 employed, or about to be used or employed, in the violation of any
31 provision of law relating to fights among animals. He or she shall state
32 to the person in charge thereof, at the time of such taking, his or her
33 name and residence, and also, the time and place at which the applica-
34 tion provided for by section 280.125 of this article will be made.

35 § 280.125 Disposition of animals or implements used in fights among
36 animals.

37 An officer, after taking possession of such animals, or implements, or
38 other property, pursuant to section 280.120 of this article, shall apply
39 to the magistrate before which the complaint was made against the offen-
40 der violating such provision of law, for the order described herein, and
41 shall make and file an affidavit with such magistrate, stating therein
42 the name of the offender charged in such complaint, the time, place and
43 description of the animals, implements or other property so taken,
44 together with the name of the party who claims the same, if known, and
45 that the affiant has reason to believe and does believe, stating the
46 grounds of such belief, that the same were used or employed, or were
47 about to be used or employed, in such violation, and will establish the
48 truth thereof upon the trial of such offender. He or she shall then
49 deliver such animals, implements, or other property, to such magistrate,
50 who shall thereupon, by order in writing, place the same in the custody
51 of an officer or other proper person named and designated in such order,
52 to be kept until the trial or final discharge of the offender, and shall
53 send a copy of such order, without delay, to the district attorney of
54 the county. The officer or person named and designated in such order,
55 shall immediately thereupon assume such custody, and shall retain such
56 for the purpose of evidence upon such trial, subject to the order of the

1 court before which such offender may be required to appear, until his or
2 her final discharge or conviction. Upon the conviction of such offender,
3 the animals, implements, or other property, shall be adjudged by the
4 court to be forfeited. In the event of the acquittal or final discharge,
5 without conviction, of such offender, such court shall, on demand,
6 direct the delivery of the property held in custody to the owner there-
7 of.

8 § 4. Paragraph (a) of subdivision 24 of section 108 of the agriculture
 9 and markets law, as amended by chapter 392 of the laws of 2004, is
 10 amended to read as follows:

11 (a) "Dangerous dog" means any dog which (i) without justification
 12 attacks a person, companion animal as defined in subdivision [~~five~~] (e)
 13 of section [~~three hundred fifty of this chapter~~] 280.00 of the penal
 14 law, farm animal as defined in subdivision [~~four~~] (d) of section [~~three~~
 15 ~~hundred fifty of this chapter~~] 280.00 of the penal law or domestic
 16 animal as defined in subdivision seven of this section and causes phys-
 17 ical injury or death, or (ii) behaves in a manner which a reasonable
 18 person would believe poses a serious and unjustified imminent threat of
 19 serious physical injury or death to one or more persons, companion
 20 animals, farm animals or domestic animals or (iii) without justification
 21 attacks a service dog, guide dog or hearing dog and causes physical
 22 injury or death.

23 § 5. Subdivision 1 and paragraph (b) of subdivision 2 of section 123
 24 of the agriculture and markets law, as amended by section 18 of part T
 25 of chapter 59 of the laws of 2010, are amended to read as follows:

26 1. Any person who witnesses an attack or threatened attack, or in the
 27 case of a minor, an adult acting on behalf of such minor, may make a
 28 complaint of an attack or threatened attack upon a person, companion
 29 animal as defined in subdivision (e) of section [~~three hundred fifty of~~
 30 ~~this chapter~~] 280.00 of the penal law, farm animal as defined in [~~such~~]
 31 subdivision (d) of section [~~three hundred fifty~~] 280.00 of the penal
 32 law, or a domestic animal as defined in subdivision seven of section one
 33 hundred eight of this article to a dog control officer or police officer
 34 of the appropriate municipality. Such officer shall immediately inform
 35 the complainant of his or her right to commence a proceeding as provided
 36 in subdivision two of this section and, if there is reason to believe
 37 the dog is a dangerous dog, the officer shall forthwith commence such
 38 proceeding himself or herself.

39 (b) secure, humane confinement of the dog for a period of time and in
 40 a manner deemed appropriate by the court but in all instances in a
 41 manner designed to: (1) prevent escape of the dog, (2) protect the
 42 public from unauthorized contact with the dog, and (3) to protect the
 43 dog from the elements pursuant to section [~~three hundred fifty-three-b~~
 44 ~~of this chapter~~] 280.00 of the penal law. Such confinement shall not
 45 include lengthy periods of tying or chaining;

46 § 6. Section 332 of the agriculture and markets law, as amended by
 47 chapter 449 of the laws of 2010, is amended to read as follows:

48 § 332. Disposition. Any person having in his or her care, custody, or
 49 control any abandoned animal, as defined in section three hundred thir-
 50 ty-one of this article, may deliver such animal to any duly incorporated
 51 society for the prevention of cruelty to animals or any duly incorpo-
 52 rated humane society having facilities for the care and eventual dispo-
 53 sition of such animals, or, in the case of dogs, cats and other small
 54 animals, to any pound maintained by or under contract or agreement with
 55 any county, city, town, or village within which such animal was aban-
 56 doned. The person with whom the animal was abandoned shall, however, on

1 the day of divesting himself or herself of possession thereof, notify
2 the person who had placed such animal in his or her custody of the name
3 and address of the animal society or pound to which the animal has been
4 delivered, such notice to be by registered letter mailed to the last
5 known address of the person intended to be so notified. If an animal is
6 not claimed by its owner within five days after being so delivered to
7 such duly incorporated society for the prevention of cruelty to animals,
8 duly incorporated humane society or pound, such animal may at any time
9 thereafter be placed for adoption in a suitable home [~~or euthanized in~~
10 ~~accordance with the provisions of section three hundred seventy-four of~~
11 ~~this chapter~~]. In no event, however, shall the use of a decompression
12 chamber or decompression device of any kind be used for the purpose of
13 destroying or disposing of such animal.

14 § 7. Paragraph a of subdivision 6 of section 373 of the agriculture
15 and markets law, as amended by chapter 289 of the laws of 2018, is
16 amended to read as follows:

17 a. If any animal is seized and impounded pursuant to the provisions of
18 this section, section [~~three hundred fifty-three-d of this article~~]
19 280.30 of the penal law or section three hundred seventy-five of this
20 article for any violation of this article, upon arraignment of charges,
21 or within a reasonable time thereafter, the duly incorporated society
22 for the prevention of cruelty to animals, humane society, pound, animal
23 shelter or any authorized agents thereof, hereinafter referred to for
24 the purposes of this section as the "impounding organization", may file
25 a petition with the court in which criminal charges have been filed
26 requesting that the person from whom an animal is seized or the owner of
27 the animal be ordered to post a security. The district attorney prose-
28 cuting the charges may file and obtain the requested relief on behalf of
29 the impounding organization if requested to do so by the impounding
30 organization. The security shall be in an amount sufficient to secure
31 payment for all reasonable expenses expected to be incurred by the
32 impounding organization in caring and providing for the animal pending
33 disposition of the charges. Reasonable expenses shall include, but not
34 be limited to, estimated medical care and boarding of the animal for at
35 least thirty days. The amount of the security, if any, shall be deter-
36 mined by the court after taking into consideration all of the facts and
37 circumstances of the case including, but not limited to the recommenda-
38 tion of the impounding organization having custody and care of the
39 seized animal and the cost of caring for the animal. If a security has
40 been posted in accordance with this section, the impounding organization
41 may draw from the security the actual reasonable costs to be incurred by
42 such organization in caring for the seized animal.

43 § 8. Subdivision 6 of section 399-aa of the general business law, as
44 added by chapter 573 of the laws of 2002, is amended to read as follows:

45 6. (a) No provision of this section shall be construed to prohibit or
46 interfere with any properly conducted scientific tests, experiments or
47 investigations involving the use of dog or cat fur or flesh, performed
48 or conducted in laboratories or institutions, which are approved for
49 these purposes by the state commissioner of health in accordance with
50 section [~~three hundred fifty-three of the agriculture and markets~~]
51 280.10 of the penal law.

52 (b) No provision of this section shall be construed to prohibit any
53 person, firm, partnership or corporation from importing, selling, offer-
54 ing for sale, manufacturing, distributing, transporting, or otherwise
55 marketing or trading in the fur, hair, skin, or flesh of a domesticated
56 dog or cat for the purposes of conducting scientific tests, experiments

1 or investigations that are to be performed or conducted in laboratories
2 or institutions, which are approved for these purposes by the state
3 commissioner of health in accordance with section [~~three hundred fifty-~~
4 ~~three of the agriculture and markets~~] 280.10 of the penal law.

5 § 9. Subdivision 1 of section 352.3 of the family court act, as
6 amended by chapter 532 of the laws of 2008, is amended to read as
7 follows:

8 (1) Upon the issuance of an order pursuant to section 315.3 or the
9 entry of an order of disposition pursuant to section 352.2, a court may
10 enter an order of protection against any respondent for good cause
11 shown. The order may require that the respondent: (a) stay away from the
12 home, school, business or place of employment of the victims of the
13 alleged offense; or (b) refrain from harassing, intimidating, threaten-
14 ing or otherwise interfering with the victim or victims of the alleged
15 offense and such members of the family or household of such victim or
16 victims as shall be specifically named by the court in such order; or
17 (c) refrain from intentionally injuring or killing, without justifica-
18 tion, any companion animal the respondent knows to be owned, possessed,
19 leased, kept or held by the person protected by the order or a minor
20 child residing in such person's household. "Companion animal", as used
21 in this subdivision, shall have the same meaning as in subdivision
22 [~~five~~] (e) of section [~~three hundred fifty of the agriculture and~~
23 ~~markets~~] 280.00 of the penal law.

24 § 10. Paragraph 2 of subdivision (h) of section 446 of the family
25 court act, as amended by chapter 526 of the laws of 2013, is amended to
26 read as follows:

27 2. "Companion animal", as used in this section, shall have the same
28 meaning as in subdivision [~~five~~] (e) of section [~~three hundred fifty of~~
29 ~~the agriculture and markets~~] 280.00 of the penal law;

30 § 11. Paragraph 2 of subdivision (i) of section 551 of the family
31 court act, as amended by chapter 526 of the laws of 2013, is amended to
32 read as follows:

33 2. "Companion animal", as used in this section, shall have the same
34 meaning as in subdivision [~~five~~] (e) of section [~~three hundred fifty of~~
35 ~~the agriculture and markets~~] 280.00 of the penal law;

36 § 12. Paragraph 2 of subdivision (i) of section 656 of the family
37 court act, as amended by chapter 526 of the laws of 2013, is amended to
38 read as follows:

39 2. "Companion animal", as used in this section, shall have the same
40 meaning as in subdivision [~~five~~] (e) of section [~~three hundred fifty of~~
41 ~~the agriculture and markets~~] 280.00 of the penal law;

42 § 13. Paragraph 2 of subdivision (h) of section 759 of the family
43 court act, as added by chapter 253 of the laws of 2006, is amended to
44 read as follows:

45 2. "Companion animal", as used in this section, shall have the same
46 meaning as in subdivision [~~five~~] (e) of section [~~three hundred fifty of~~
47 ~~the agriculture and markets~~] 280.00 of the penal law;

48 § 14. Paragraph 2 of subdivision (i) of section 842 of the family
49 court act, as amended by chapter 526 of the laws of 2013, is amended to
50 read as follows:

51 2. "Companion animal", as used in this section, shall have the same
52 meaning as in subdivision [~~five~~] (e) of section [~~three hundred fifty of~~
53 ~~the agriculture and markets~~] 280.00 of the penal law;

54 § 15. Subparagraph 2 of paragraph (g) of subdivision 1 of section 1056
55 of the family court act, as amended by chapter 526 of the laws of 2013,
56 is amended to read as follows:

1 2. "Companion animal", as used in this section, shall have the same
2 meaning as in subdivision ~~[five] (e)~~ of section ~~[three hundred fifty of~~
3 ~~the agriculture and markets]~~ 280.00 of the penal law;

4 § 16. Clause (B) of subparagraph 6 of paragraph (a) of subdivision 1
5 of section 530.12 of the criminal procedure law, as amended by chapter
6 526 of the laws of 2013, is amended to read as follows:

7 (B) "Companion animal", as used in this section, shall have the same
8 meaning as in subdivision ~~[five] (e)~~ of section ~~[three hundred fifty of~~
9 ~~the agriculture and markets]~~ 280.00 of the penal law;

10 § 17. Subparagraph 2 of paragraph (c) of subdivision 1 and subpara-
11 graph 2 of paragraph (c) of subdivision 4 of section 530.13 of the crim-
12 inal procedure law, as added by chapter 253 of the laws of 2006, are
13 amended to read as follows:

14 2. "Companion animal", as used in this section, shall have the same
15 meaning as in subdivision ~~[five] (e)~~ of section ~~[three hundred fifty of~~
16 ~~the agriculture and markets]~~ 280.00 of the penal law.

17 2. "Companion animal", as used in this section, shall have the same
18 meaning as in subdivision ~~[five] (e)~~ of section ~~[three hundred fifty of~~
19 ~~the agriculture and markets]~~ 280.00 of the penal law.

20 § 18. Paragraph (v) of subdivision 8 of section 700.05 of the criminal
21 procedure law, as added by chapter 91 of the laws of 2017, is amended to
22 read as follows:

23 (v) Any of the acts designated as felonies in section ~~[three hundred~~
24 ~~fifty-one of the agriculture and markets]~~ 280.05 of the penal law.

25 § 19. The opening paragraph of paragraph e of subdivision 6 of section
26 11-0103 of the environmental conservation law, as amended by chapter 10
27 of the laws of 2005, is amended to read as follows:

28 "Wild animal" shall not include "companion animal" as defined in
29 section ~~[three hundred fifty of the agriculture and markets]~~ 280.00 of
30 the penal law. Wild animal includes, and is limited to, any or all of
31 the following orders and families:

32 § 20. Paragraph (b) of subdivision 1 of section 1264-a of the public
33 authorities law, as added by chapter 378 of the laws of 2017, is amended
34 to read as follows:

35 (b) "Domestic companion animal" means a companion animal or pet as
36 defined in subdivision (e) of section ~~[three hundred fifty of the agri-~~
37 ~~culture and markets]~~ 280.00 of the penal law and shall also mean any
38 other domesticated animal normally maintained in or near the household
39 of the owner or person who cares for such other domesticated animal.
40 "Pet" or "companion animal" shall not include a "farm animal", as
41 defined in subdivision (d) of section ~~[three hundred fifty of the agri-~~
42 ~~culture and markets]~~ 280.00 of the penal law.

43 § 21. Subdivision a of section 17-1601 of the administrative code of
44 the city of New York, as added by local law number 4 of the city of New
45 York for the year 2014, is amended to read as follows:

46 a. "Animal abuse crime" shall mean any of the following:

47 1. animal fighting, as defined in ~~[section three hundred fifty-one of~~
48 ~~the agriculture and markets]~~ sections 280.05, 280.06, and 280.07 of the
49 penal law;

50 2. overdriving, torturing or injuring animals; failure to provide
51 proper sustenance, as defined in section ~~[three hundred fifty-three of~~
52 ~~the agriculture and markets]~~ 280.10 of the penal law;

53 3. aggravated cruelty to animals, as defined in section ~~[three hundred~~
54 ~~fifty-three-a of the agriculture and markets]~~ 280.15 of the penal law;

1 4. electrocution of fur-bearing animals, as defined in section [~~three~~
2 ~~hundred fifty three e of the agriculture and markets~~] 280.25 of the
3 penal law;

4 5. abandonment of animals, as defined in section [~~three hundred~~
5 ~~fifty five of the agriculture and markets~~] 280.50 of the penal law;

6 6. failure to provide proper food and drink to an impounded animal, as
7 defined in section [~~three hundred fifty six of the agriculture and~~
8 ~~markets~~] 280.55 of the penal law;

9 7. poisoning or attempting to poison animals, as defined in [~~section~~
10 ~~three hundred sixty of the agriculture and markets~~] sections 280.65 and
11 280.66 of the penal law;

12 8. interference with or injury to certain domestic animals, as defined
13 in section [~~three hundred sixty one of the agriculture and markets~~]
14 280.70 of the penal law;

15 9. harming a service animal in the first degree, as defined in section
16 242.15 of the penal [~~code~~] law; or

17 10. an offense in any other jurisdiction which includes all of the
18 essential elements of any such crime provided for in paragraph one, two,
19 three, four, five, six, seven, eight, or nine of this subdivision.

20 § 22. Subdivision d of section 20-383 of the administrative code of
21 the city of New York, as amended by local law number 2 of the city of
22 New York for the year 1994, is amended to read as follows:

23 d. Notwithstanding the provisions of subdivisions b and c of this
24 section, any driver of a horse drawn cab found guilty of one violation
25 of subdivision d of section 20-381.1 of the code or sections [~~three~~
26 ~~hundred fifty one, three hundred fifty three, three hundred fifty five~~
27 ~~through three hundred sixty two or three hundred sixty nine of the New~~
28 ~~York state agriculture and markets law~~] 280.05, 280.06, 280.07, 280.10,
29 280.15, 280.20, 280.25, 280.30, 280.35, 280.40, 280.45, 280.50, 280.55,
30 280.60, 280.65, 280.66, 280.70 or 280.75 of the penal law or who is
31 found guilty of a violation of this subchapter while his or her license
32 is suspended, shall have his or her license revoked. A driver whose
33 license has been revoked in accordance with this provision may not apply
34 for a new license for five years from the date of revocation.

35 § 23. This act shall take effect immediately.