

STATE OF NEW YORK

2664

2019-2020 Regular Sessions

IN ASSEMBLY

January 24, 2019

Introduced by M. of A. L. ROSENTHAL, LUPARDO -- Multi-Sponsored by -- M. of A. COLTON, GLICK, LIFTON, McDONOUGH, THIELE -- read once and referred to the Committee on Codes

AN ACT to amend the agriculture and markets law, in relation to acts of animal cruelty 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. Subdivisions 1 and 3 of section 353-a of the agriculture
2 and markets law, as added by chapter 118 of the laws of 1999, are
3 amended to read as follows:

4 1. A person is guilty of aggravated cruelty to animals when, with no
5 justifiable purpose, he or she intentionally kills or intentionally
6 causes serious physical injury to a companion animal with aggravated
7 cruelty. For purposes of this section, "aggravated cruelty" shall mean
8 conduct which: [~~(i)~~] (a) is intended to cause extreme physical pain; or
9 [~~(ii)~~] (b) is done or carried out in an especially depraved or sadistic
10 manner.

11 3. [~~Aggravated cruelty to animals is a felony. A defendant convicted~~
12 ~~of this offense shall be sentenced pursuant to paragraph (b) of subdivi-~~
13 ~~sion one of section 55.10 of the penal law provided,~~] (a) Any person who
14 commits one or more of the acts specified in subdivision one of this
15 section is guilty of a class E felony; provided however, that any term
16 of imprisonment imposed for [~~violation~~] a conviction of this section
17 shall be a definite sentence, which may not exceed two years.

18 (b) Any person who commits one or more of the acts specified in subdivi-
19 vision one of this section in the presence of a child is guilty of a
20 class D felony. For the purposes of this section, "in the presence of a
21 child" shall mean in the physical presence of a child under the age of
22 eighteen knowing or having reason to know that a child is present and
23 may see or hear such act.

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

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

LBD07677-01-9