

# STATE OF NEW YORK

8744

2019-2020 Regular Sessions

## IN ASSEMBLY

November 25, 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 establishing the crimes of sexual conduct with an animal resulting in injury or death and sexual conduct with an animal

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

1 Section 1. The agriculture and markets law is amended by adding a new  
2 section 353-g to read as follows:

3 § 353-g. Sexual conduct with an animal resulting in injury or death.  
4 1. A person is guilty of sexual conduct with an animal resulting in  
5 injury or death when he or she engages in sexual conduct with an animal  
6 which results in the injury or death of such animal. For the purposes of  
7 this section, "sexual conduct" shall have the same meaning as provided  
8 in section 130.00 of the penal law.

9 2. Nothing contained in this section shall be construed to prohibit or  
10 interfere in any way with anyone lawfully engaged in any properly  
11 conducted scientific tests, experiments, or investigations involving the  
12 use of living animals, performed or conducted in laboratories or insti-  
13 tutions approved for such purposes by the commissioner of health pursu-  
14 ant to section three hundred fifty-three of this article.

15 3. Sexual conduct with an animal resulting in injury or death is a  
16 felony. A defendant convicted of this offense shall be sentenced pursu-  
17 ant to paragraph (b) of subdivision one of section 55.10 of the penal  
18 law.

19 4. In addition to the penalty imposed pursuant to subdivision three of  
20 this section, the court shall order a person convicted of violating this  
21 section to:

22 (a) relinquish and permanently forfeit custody of all animals under  
23 such person's ownership, possession, control, or residing in such  
24 person's household to a pound, duly incorporated society for the  
25 prevention of cruelty to animals, duly incorporated humane society, or  
26 duly incorporated animal protective association, or if such person is

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

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1 not the owner of such animal or animals, then such animal or animals  
2 shall be returned to the owner of such animal or animals;

3 (b) be permanently prohibited from harboring, owning, possessing, or  
4 exercising control over any animal, residing in any household where  
5 animals are present, or working or volunteering in a place where such  
6 person has unsupervised access to animals;

7 (c) reimburse the pound, duly incorporated society for the prevention  
8 of cruelty to animals, duly incorporated humane society, or duly incor-  
9 porated animal protective association for any reasonable costs incurred  
10 for the care and maintenance of the animal involved in such violation in  
11 addition to any other animals relinquished to such pound, duly incorpo-  
12 rated society for the prevention of cruelty to animals, duly incorpo-  
13 rated humane society, or duly incorporated animal protective association  
14 pursuant to paragraph (a) of this subdivision; and

15 (d) where the animal was injured as a result of such violation, pay  
16 the costs of any veterinary medical treatment or rehabilitation needed  
17 as a result of such injury.

18 § 2. The agriculture and markets law is amended by adding a new  
19 section 353-h to read as follows:

20 § 353-h. Sexual conduct with an animal. 1. A person is guilty of sexu-  
21 al conduct with an animal when he or she engages in sexual conduct with  
22 any animal. For the purposes of this section, "sexual conduct" shall  
23 have the same meaning as provided in section 130.00 of the penal law.

24 2. Nothing contained in this section shall be construed to prohibit or  
25 interfere in any way with anyone lawfully engaged in any properly  
26 conducted scientific tests, experiments, or investigations involving the  
27 use of living animals, performed or conducted in laboratories or insti-  
28 tutions approved for such purposes by the commissioner of health pursu-  
29 ant to section three hundred fifty-three of this article.

30 3. Sexual conduct with an animal is a misdemeanor. A defendant  
31 convicted of this offense shall be sentenced pursuant to paragraph (b)  
32 of subdivision two of section 55.10 of the penal law.

33 4. In addition to the penalty imposed pursuant to subdivision three of  
34 this section, the court shall order a person convicted of violating this  
35 section to:

36 (a) relinquish and permanently forfeit custody of all animals under  
37 such person's ownership, possession, control, or residing in such  
38 person's household to a pound, duly incorporated society for the  
39 prevention of cruelty to animals, duly incorporated humane society, or  
40 duly incorporated animal protective association, or if such person is  
41 not the owner of such animal or animals, then such animal or animals  
42 shall be returned to the owner of such animal or animals;

43 (b) be permanently prohibited from harboring, owning, possessing, or  
44 exercising control over any animal, residing in any household where  
45 animals are present, or working or volunteering in a place where such  
46 person has unsupervised access to animals; and

47 (c) reimburse the pound, duly incorporated society for the prevention  
48 of cruelty to animals, duly incorporated humane society, or duly incor-  
49 porated animal protective association for any reasonable costs incurred  
50 for the care and maintenance of the animal involved in such violation in  
51 addition to any other animals relinquished to such pound, duly incorpo-  
52 rated society for the prevention of cruelty to animals, duly incorpo-  
53 rated humane society, or duly incorporated animal protective association  
54 pursuant to paragraph (a) of this subdivision.

55 § 3. This act shall take effect on the first of November next succeed-  
56 ing the date on which it shall have become a law.