STATE OF NEW YORK

614

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

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:

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

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

2. Nothing contained in this section shall be construed to prohibit or interfere in any way with anyone lawfully engaged in 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. Sexual conduct with an animal resulting in injury or death is a felony. A defendant convicted of this offense shall be sentenced pursuant to paragraph (b) of subdivision one of section 55.10 of the penal law.

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

(a) relinquish and permanently forfeit custody of all animals under such person's ownership, possession, control, or residing in such

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

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person's household to a pound, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society, or duly incorporated animal protective association, or if such person is not the owner of such animal or animals, then such animal or animals shall be returned to the owner of such animal or animals;

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

(c) reimburse the pound, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society, or duly incorporated animal protective association for any reasonable costs incurred for the care and maintenance of the animal involved in such violation in addition to any other animals relinquished to such pound, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society, or duly incorporated animal protective association pursuant to paragraph (a) of this subdivision; and

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

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

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

2. Nothing contained in this section shall be construed to prohibit or interfere in any way with anyone lawfully engaged in 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. Sexual conduct with an animal is a misdemeanor. A defendant convicted of this offense shall be sentenced pursuant to paragraph (b) of subdivision two of section 55.10 of the penal law.

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

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

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

(c) reimburse the pound, duly incorporated society for the prevention of cruelty to animals, duly incorporated humane society, or duly incorporated animal protective association for any reasonable costs incurred for the care and maintenance of the animal involved in such violation in addition to any other animals relinquished to such pound, duly incorporated society for the prevention of cruelty to animals, duly incorpo-

rated humane society, or duly incorporated animal protective association pursuant to paragraph (a) of this subdivision.

§ 3. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.