STATE OF NEW YORK

3039

2021-2022 Regular Sessions

IN SENATE

January 27, 2021

Introduced by Sens. SERINO, TEDISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Children and Families

AN ACT to amend the family court act, the criminal procedure law and the domestic relations law, in relation to an order of protection with respect to companion animals

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

Section 1. Subdivision 1 of section 352.3 of the family court act, as amended by chapter 261 of the laws of 2020, is amended to read as follows:

(1) Upon the issuance of an order pursuant to section 315.3 or the entry of an order of disposition pursuant to section 352.2, a court may enter an order of protection against any respondent for good cause shown. The order may require that the respondent: (a) stay away from the home, school, business or place of employment of the victims of the alleged offense; or (b) refrain from harassing, intimidating, threatening or otherwise interfering with the victim or victims of the alleged offense and such members of the family or household of such victim or victims as shall be specifically named by the court in such order; or (c) refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the [~~person protected by the order~~] **petitioner** or a minor child residing in [~~such person's~~] **the petitioner's or respondent's** household; or (d) refrain from remotely controlling any connected devices affecting the home, vehicle or property of the person protected by the order. **Such order may also grant the petitioner the exclusive care, custody or control of any animal that is owned, possessed, leased, kept or held by the petitioner, the respondent or a minor child residing in the residence or household of the petitioner or respondent, and order the respondent to stay away from the animal and**

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

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forbid the respondent from taking, transferring, concealing, harming, or otherwise disposing of the animal. "Companion animal", as used in this subdivision, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law. "Connected device", as used in this subdivision, shall mean any device, or other physical object that is capable of connecting to the internet, directly or indirectly, and that is assigned an internet protocol address or bluetooth address.

§ 2. Paragraph 1 of subdivision (h) of section 446 of the family court act, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

1. to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the [~~person protected by the order~~] petitioner or a minor child residing in [~~such person's~~] the petitioner's or respondent's household. Such order may also grant the petitioner the exclusive care, custody or control of any animal that is owned, possessed, leased, kept or held by the petitioner, the respondent or a minor child residing in the residence or household of the petitioner or the respondent, and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, concealing, harming, or otherwise disposing of the animal.

§ 3. Paragraph 1 of subdivision (i) of section 551 of the family court act, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

1. to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the [~~person protected by the order~~] petitioner or a minor child residing in [~~such person's~~] the petitioner's or respondent's household. Such order may also grant the petitioner the exclusive care, custody or control of any animal that is owned, possessed, leased, kept or held by the petitioner, the respondent or a minor child residing in the residence or household of the petitioner or the respondent, and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, concealing, harming, or otherwise disposing of the animal.

§ 4. Paragraph 1 of subdivision (i) of section 656 of the family court act, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

1. to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the petitioner or a minor child residing in the petitioner's or respondent's household. Such order may also grant the petitioner the exclusive care, custody or control of any animal that is owned, possessed, leased, kept or held by the petitioner, the respondent or a minor child residing in the residence or household of the petitioner or the respondent, and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, concealing, harming, or otherwise disposing of the animal.

§ 5. Paragraph 1 of subdivision (h) of section 759 of the family court act, as amended by chapter 261 of the laws of 2020, is amended to read as follows:

1. to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the [~~person protected by the order~~] petitioner or a minor child residing in [~~such person's~~] the petitioner's

or respondent's household. Such order may also grant the petitioner the exclusive care, custody or control of any animal that is owned, possessed, leased, kept or held by the petitioner, the respondent or a minor child residing in the residence or household of the petitioner or the respondent, and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, concealing, harming, or otherwise disposing of the animal.

§ 6. Paragraph 1 of subdivision (i) of section 842 of the family court act, as amended by chapter 335 of the laws of 2019, is amended to read as follows:

1. to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the petitioner or a minor child residing in the petitioner's or respondent's household. Such order may also grant the petitioner the exclusive care, custody or control of any animal that is owned, possessed, leased, kept or held by the petitioner, the respondent or a minor child residing in the residence or household of the petitioner or the respondent, and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, concealing, harming, or otherwise disposing of the animal.

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

1. to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the [~~person protected by the order~~] petitioner or a minor child residing in [~~such person's~~] the petitioner's or respondent's household. Such order may also grant the petitioner the exclusive care, custody or control of any animal that is owned, possessed, leased, kept or held by the petitioner, the respondent or a minor child residing in the residence or household of the petitioner or the respondent, and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, concealing, harming, or otherwise disposing of the animal.

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

(A) to refrain from intentionally injuring or killing, without justification, any companion animal the defendant knows to be owned, possessed, leased, kept or held by the victim or a minor child residing in the victim's or defendant's household. Such order may also grant the victim the exclusive care, custody or control of any animal that is owned, possessed, leased, kept or held by the victim, the defendant or a minor child residing in the residence or household of the victim or the defendant, and order the defendant to stay away from the animal and forbid the defendant from taking, transferring, concealing, harming, or otherwise disposing of the animal.

§ 9. Subparagraph 1 of paragraph (c) of subdivision 1 of section 530.13 of the criminal procedure law, as added by chapter 261 of the laws of 2020, is amended to read as follows:

1. to refrain from intentionally injuring or killing, without justification, any companion animal the defendant knows to be owned, possessed, leased, kept or held by such victim or victims or a minor child residing in such victim's or victims' household. Such order may also grant the victim the exclusive care, custody or control of any animal that is owned, possessed, leased, kept or held by the victim, the

defendant or a minor child residing in the residence or household of the victim or the defendant, and order the defendant to stay away from the animal and forbid the defendant from taking, transferring, concealing, harming, or otherwise disposing of the animal.

§ 10. Subparagraph 7 of paragraph a of subdivision 3 of section 240 of the domestic relations law, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

(7) to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the [~~person protected by the order~~] **petitioner** or a minor child residing in [~~such person's~~] **the petitioner's or respondent's** household. **Such order may also grant the petitioner the exclusive care, custody or control of any animal that is owned, possessed, leased, kept or held by the petitioner, the respondent or a minor child residing in the residence or household of the petitioner or the respondent, and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, concealing, harming, or otherwise disposing of the animal.** "Companion animal," as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law;

§ 11. Paragraph (g) of subdivision 1 of section 252 of the domestic relations law, as amended by chapter 526 of the laws of 2013, is amended to read as follows:

(g) to refrain from intentionally injuring or killing, without justification, any companion animal the respondent knows to be owned, possessed, leased, kept or held by the [~~person protected by the order~~] **petitioner** or a minor child residing in [~~such person's~~] **the petitioner's or respondent's** household. **Such order may also grant the petitioner the exclusive care, custody or control of any animal that is owned, possessed, leased, kept or held by the petitioner, the respondent or a minor child residing in the residence or household of the petitioner or the respondent, and order the respondent to stay away from the animal and forbid the respondent from taking, transferring, concealing, harming, or otherwise disposing of the animal.** "Companion animal," as used in this section, shall have the same meaning as in subdivision five of section three hundred fifty of the agriculture and markets law;

§ 12. This act shall take effect immediately.