

STATE OF NEW YORK

394

2023-2024 Regular Sessions

IN ASSEMBLY

January 9, 2023

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 aggravated cruelty to animals 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. Subdivision 3 of section 353-a of the agriculture and
2 markets law, as added by chapter 118 of the laws of 1999, is amended to
3 read as follows:

4 3. Aggravated cruelty to animals is a felony. A defendant convicted of
5 this offense shall be sentenced pursuant to paragraph (b) of subdivision
6 one of section 55.10 of the penal law provided, however, that any term
7 of imprisonment imposed for violation of this section shall be a definite
8 sentence, which may not exceed two years, except that any person
9 who commits one or more of the acts specified in subdivision one of this
10 section in the presence of a child may be sentenced to a period not to
11 exceed four years. For purposes of this section, "in the presence of a
12 child" shall mean in the physical presence of a child under the age of
13 eighteen knowing or having reason to know that child is present and may
14 see or hear such act.

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

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

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