

STATE OF NEW YORK

1650

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. PAULIN, L. ROSENTHAL, GUNTHER, COLTON, NORRIS --
Multi-Sponsored by -- M. of A. DINOWITZ, GLICK, RA, THIELE -- read
once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to increas-
ing the penalty for multiple convictions of torturing or failing to
provide sustenance to an animal

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

1 Section 1. Section 353 of the agriculture and markets law, as amended
2 by chapter 458 of the laws of 1985 and the opening paragraph as amended
3 by chapter 523 of the laws of 2005, is amended to read as follows:

4 § 353. Overdriving, torturing and injuring animals; failure to provide
5 proper sustenance. 1. A person who overdrives, overloads, tortures or
6 cruelly beats or unjustifiably injures, maims, mutilates or kills any
7 animal, whether wild or tame, and whether belonging to himself or to
8 another, or deprives any animal of necessary sustenance, food or drink,
9 or neglects or refuses to furnish it such sustenance or drink, or caus-
10 es, procures or permits any animal to be overdriven, overloaded,
11 tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or
12 killed, or to be deprived of necessary food or drink, or who wilfully
13 sets on foot, instigates, engages in, or in any way furthers any act of
14 cruelty to any animal, or any act tending to produce such cruelty, is
15 guilty of a class A misdemeanor and for purposes of paragraph (b) of
16 subdivision one of section 160.10 of the criminal procedure law, shall
17 be treated as a misdemeanor defined in the penal law.

18 2. A second violation of subdivision one of this section within five
19 years from the date of a prior conviction of any violation of subdivi-
20 sion one of this section, shall be a felony. A defendant convicted of
21 this offense shall be sentenced pursuant to paragraph (b) of subdivision
22 one of section 55.10 of the penal law provided, however, that any term

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

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1 of imprisonment imposed for a violation of this section shall be a defi-
2 nite sentence, which may not exceed two years.

3 3. Nothing [~~herein~~] in this section contained shall be construed to
4 prohibit or interfere with any properly conducted scientific tests,
5 experiments or investigations, involving the use of living animals,
6 performed or conducted in laboratories or institutions, which are
7 approved for these purposes by the state commissioner of health. The
8 state commissioner of health shall prescribe the rules under which such
9 approvals shall be granted, including therein standards regarding the
10 care and treatment of any such animals. Such rules shall be published
11 and copies thereof conspicuously posted in each such laboratory or
12 institution. The state commissioner of health or his or her duly author-
13 ized representative shall have the power to inspect such laboratories or
14 institutions to insure compliance with such rules and standards. Each
15 such approval may be revoked at any time for failure to comply with such
16 rules and in any case the approval shall be limited to a period not
17 exceeding one year.

18 § 2. This act shall take effect on the first of December next succeed-
19 ing the date on which it shall have become a law.