

STATE OF NEW YORK

1865

2023-2024 Regular Sessions

IN ASSEMBLY

January 23, 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 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.