

# STATE OF NEW YORK

3528

2025-2026 Regular Sessions

## IN ASSEMBLY

January 28, 2025

Introduced by M. of A. ROSENTHAL, LUPARDO -- Multi-Sponsored by -- M. of A. COLTON, GLICK, McDONOUGH -- read once and referred to the Committee on Codes

AN ACT to amend the agriculture and markets law, in relation to acts of animal cruelty 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. Subdivisions 1 and 3 of section 353-a of the agriculture  
2 and markets law, as added by chapter 118 of the laws of 1999, are  
3 amended to read as follows:

4 1. A person is guilty of aggravated cruelty to animals when, with no  
5 justifiable purpose, [~~he or she~~] such person intentionally kills or  
6 intentionally causes serious physical injury to a companion animal with  
7 aggravated cruelty. For purposes of this section, "aggravated cruelty"  
8 shall mean conduct which: [~~(i)~~] (a) is intended to cause extreme phys-  
9 ical pain; or [~~(ii)~~] (b) is done or carried out in an especially  
10 depraved or sadistic manner.

11 3. [~~Aggravated cruelty to animals is a felony. A defendant convicted~~  
12 ~~of this offense shall be sentenced pursuant to paragraph (b) of subdivi-~~  
13 ~~sion one of section 55.10 of the penal law provided,~~] (a) Any person who  
14 commits one or more of the acts specified in subdivision one of this  
15 section is guilty of a class E felony; provided however, that any term  
16 of imprisonment imposed for [~~violation~~] a conviction of this section  
17 shall be a definite sentence, which may not exceed two years.

18 (b) Any person who commits one or more of the acts specified in subdivi-  
19 vision one of this section in the presence of a child is guilty of a  
20 class D felony. For the purposes of this section, "in the presence of a  
21 child" shall mean in the physical presence of a child under the age of  
22 eighteen knowing or having reason to know that a child is present and  
23 may see or hear such act.

24 § 2. This act shall take effect on the one hundred eightieth day after  
25 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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