

STATE OF NEW YORK

8038

2025-2026 Regular Sessions

IN ASSEMBLY

April 22, 2025

Introduced by M. of A. RA -- read once and referred to the Committee on Codes

AN ACT to amend the penal law and the state finance law, in relation to a fee for certain convictions to benefit animal shelters and establishing the animal offenses assistance fund

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

1 Section 1. Paragraph (a) of subdivision 1 of section 60.35 of the
2 penal law, as amended by section 1 of part E of chapter 56 of the laws
3 of 2004, subparagraphs (i), (ii) and (iii) as amended by section 1 of
4 part DD of chapter 56 of the laws of 2008, is amended to read as
5 follows:

6 (a) Except as provided in section eighteen hundred nine of the vehicle
7 and traffic law and section 27.12 of the parks, recreation and historic
8 preservation law, whenever proceedings in an administrative tribunal or
9 a court of this state result in a conviction for a felony, a misdemea-
10 nor, or a violation, as these terms are defined in section 10.00 of this
11 chapter, there shall be levied at sentencing a mandatory surcharge, sex
12 offender registration fee, DNA databank fee and a crime victim assist-
13 ance fee in addition to any sentence required or permitted by law, in
14 accordance with the following schedule:

15 (i) a person convicted of a felony shall pay a mandatory surcharge of
16 three hundred dollars and a crime victim assistance fee of twenty-five
17 dollars, and an animal offenses assistance fee of five dollars;

18 (ii) a person convicted of a misdemeanor shall pay a mandatory
19 surcharge of one hundred seventy-five dollars and a crime victim assist-
20 ance fee of twenty-five dollars, and an animal offenses assistance fee
21 of five dollars;

22 (iii) a person convicted of a violation shall pay a mandatory
23 surcharge of ninety-five dollars and a crime victim assistance fee of

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

LBD10848-01-5

1 twenty-five dollars, and an animal offenses assistance fee of five
2 dollars;

3 (iv) a person convicted of a sex offense as defined by subdivision two
4 of section one hundred sixty-eight-a of the correction law or a sexually
5 violent offense as defined by subdivision three of section one hundred
6 sixty-eight-a of the correction law shall, in addition to a mandatory
7 surcharge and crime victim assistance fee, pay a sex offender registra-
8 tion fee of fifty dollars.

9 (v) a person convicted of a designated offense as defined by subdivi-
10 sion seven of section nine hundred ninety-five of the executive law
11 shall, in addition to a mandatory surcharge and crime victim assistance
12 fee, pay a DNA databank fee of fifty dollars.

13 § 2. The state finance law is amended by adding a new section 98-e to
14 read as follows:

15 § 98-e. Animal offenses assistance fund. 1. There is hereby estab-
16 lished in the custody of the state comptroller and the commissioner of
17 taxation and finance a fund to be known as the "animal offenses assist-
18 ance fund".

19 2. Such fund shall consist of the animal offenses assistance fee
20 imposed pursuant to section 60.35 of the penal law, and all other moneys
21 credited or transferred thereto from any other fund or source pursuant
22 to law.

23 3. (a) Moneys of the fund shall be available for costs and expenses of
24 animal shelters incurred in the care and maintenance of animals seized
25 and surrendered to shelters as a result of abuse or other offenses under
26 the penal law or the agriculture and markets law related to the treat-
27 ment of animals in this state.

28 (b) The commissioner of agriculture and markets shall award funds to
29 animals shelters through an application process to be designed by the
30 commissioner which shall demonstrate the needs of the shelter in provid-
31 ing care and treatment to abused and neglected animals including food,
32 shelter and veterinary care.

33 (c) For the purposes of this section, "animal shelter" shall mean a
34 public or not-for-profit entity owning, operating, or otherwise main-
35 taining a building, structure, or facility where temporary or permanent
36 housing and care is provided to stray, abandoned, abused, seized,
37 impounded, owner-surrendered or otherwise unwanted animals regardless of
38 whether or not such facility also serves as a personal residence. This
39 includes but is not limited to: facilities owned, operated, or main-
40 tained by a duly incorporated society for the prevention of cruelty to
41 animals, duly incorporated humane society, dog or cat protective associ-
42 ation, or pound; any person in the employ of, or organization operated
43 by or under contract to a municipality to provide care for seized or
44 impounded animals; or any other not-for-profit organization involved in
45 the protection, care, or rehoming of animals. The term "animal shelter"
46 shall not include the personal residence of any foster care provider; a
47 facility commonly known as a boarding kennel, where the ownership of the
48 animal is not transferred; any entity licensed as a pet dealer pursuant
49 to article twenty-six-A of the agriculture and markets law; a duly
50 incorporated animal hospital owned, operated or supervised by a duly
51 licensed veterinarian; or any facility where the owner or operator is
52 licensed by the department of environmental conservation as a nuisance
53 wildlife control agent or wildlife rehabilitator.

54 4. Moneys of the fund shall be made available to the department of
55 agriculture and markets and shall be paid out of the fund on the audit
56 and warrant of the state comptroller on vouchers approved and certified

1 by the commissioner of agriculture and markets. Any interest received by
2 the comptroller on moneys on deposit in the fund shall be retained in
3 and become part of such fund.

4 § 3. This act shall take effect immediately.