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:

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

(a) Except as provided in section eighteen hundred nine of the vehicle and traffic law and section 27.12 of the parks, recreation and historic preservation law, whenever proceedings in an administrative tribunal or a court of this state result in a conviction for a felony, a misdemeanor, or a violation, as these terms are defined in section 10.00 of this chapter, there shall be levied at sentencing a mandatory surcharge, sex offender registration fee, DNA databank fee and a crime victim assistance fee in addition to any sentence required or permitted by law, in accordance with the following schedule:

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

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

(iii) a person convicted of a violation shall pay a mandatory 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.

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

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

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

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

§ 98-e. Animal offenses assistance fund. 1. There is hereby established in the custody of the state comptroller and the commissioner of taxation and finance a fund to be known as the "animal offenses assistance fund".

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

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

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

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

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

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

§ 3. This act shall take effect immediately.