STATE OF NEW YORK

9150

2025-2026 Regular Sessions

IN ASSEMBLY

October 17, 2025

Introduced by M. of A. BERGER -- read once and referred to the Committee on Agriculture

AN ACT to amend the penal law, the agriculture and markets law, the education law and the administrative code of the city of New York, in relation to the crime of aggravated cruelty to animals; and to repeal section 353-a of the agriculture and markets law relating thereto

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

Section 1. Section 353-a of the agriculture and markets law is REPEALED.

§ 2. The penal law is amended by adding a new article 243 to read as follows:

ARTICLE 243

OFFENSES AGAINST ANIMALS

Section 243.00 Definitions.

243.05 Aggravated cruelty to animals.

§ 243.00 Definitions.

For purposes of this article,

1. "Aggravated cruelty" shall mean conduct which: (a) is intended to cause extreme physical pain; or (b) is done or carried out in an especially depraved or sadistic manner.

2. "Companion animal" shall mean any dog or cat, and shall also mean any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal. "Companion animal" shall not include a "farm animal" as defined in this section.

3. "Farm animal" shall mean any ungulate, poultry, species of cattle, sheep, swine, goats, llamas, horses or fur-bearing animals, as defined in section 11-1907 of the environmental conservation law, which are raised for commercial or subsistence purposes. Fur-bearing animal shall not include dogs or cats.

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

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§ 243.05 Aggravated cruelty to animals.

1. A person is guilty of aggravated cruelty to animals when, with no justifiable purpose, such person intentionally kills or intentionally causes serious physical injury to a companion animal with aggravated cruelty.

2. Nothing contained in this section shall be construed to prohibit or interfere in any way with anyone lawfully engaged in hunting, trapping, or fishing, as provided in article eleven of the environmental conservation law, the dispatch of rabid or diseased animals, as provided in article twenty-one of the public health law, or the dispatch of animals posing a threat to human safety or other animals, where such action is otherwise legally authorized, or any properly conducted scientific tests, experiments, or investigations involving the use of living animals, performed or conducted in laboratories or institutions approved for such purposes by the commissioner of health pursuant to section three hundred fifty-three of the agriculture and markets law.

3. Aggravated cruelty to animals is a class E felony.

§ 3. Paragraph (d) of subdivision 1 of section 70.02 of the penal law, as amended by chapter 7 of the laws of 2007, is amended to read as follows:

(d) Class E violent felony offenses: an attempt to commit any of the felonies of criminal possession of a weapon in the third degree as defined in subdivision five, six, seven or eight of section 265.02 as a lesser included offense of that section as defined in section 220.20 of the criminal procedure law, persistent sexual abuse as defined in section 130.53, aggravated sexual abuse in the fourth degree as defined in section 130.65-a, falsely reporting an incident in the second degree as defined in section 240.55 [~~and~~]~~,~~ placing a false bomb or hazardous substance in the second degree as defined in section 240.61**, and aggravated cruelty to animals as defined in section 243.05**.

§ 4. Paragraph a of subdivision 8 of section 374 of the agriculture and markets law, as amended by chapter 594 of the laws of 2003 and as renumbered by chapter 479 of the laws of 2009, is amended to read as follows:

a. In addition to any other penalty provided by law, upon conviction for any violation of section three hundred fifty-one, three hundred fifty-three, [~~three hundred fifty-three-a,~~] three hundred fifty-three-b, three hundred fifty-five, three hundred fifty-six, three hundred fifty-nine, three hundred sixty, three hundred sixty-one, three hundred sixty-five or three hundred sixty-eight of this article **or section 243.05 of the penal law**, the convicted person may, after a duly held hearing pursuant to paragraph f of this subdivision, be ordered by the court to forfeit, to a duly incorporated society for the prevention of cruelty to animals or a duly incorporated humane society or authorized agents thereof, the animal or animals which are the basis of the conviction. Upon such an order of forfeiture, the convicted person shall be deemed to have relinquished all rights to the animals which are the basis of the conviction, except those granted in paragraph d of this subdivision.

§ 5. Paragraph (a) of subdivision 2 of section 6714 of the education law, as amended by chapter 546 of the laws of 2021, is amended to read as follows:

(a) When a veterinarian reasonably and in good faith suspects that a companion animal's injury, illness or condition is the result of animal cruelty in violation of section three hundred fifty-one[~~,~~] **or** three hundred fifty-three [~~or three hundred fifty-three-a~~] of the agriculture

and markets law **or section 243.05 of the penal law**, the veterinarian shall report the incident and disclose records concerning the companion animal's condition and treatment to any officer or agent authorized pursuant to sections three hundred seventy-one and three hundred seventy-three of the agriculture and markets law to respond to and investigate complaints of animal cruelty. The identity of such veterinarian making a report pursuant to this paragraph shall only be made available to an officer or agent authorized pursuant to section three hundred seventy-one or three hundred seventy-three of the agriculture and markets law.

§ 6. Paragraph 3 of subdivision a of section 17-1601 of the administrative code of the city of New York, as amended by local law number 4 of the city of New York for the year 2014, is amended to read as follows:

3. aggravated cruelty to animals, as defined in section [~~three hundred fifty-three-a~~] **243.05** of the [~~agriculture and markets~~] **penal** law;

§ 7. This act shall take effect immediately.