

STATE OF NEW YORK

1411

2025-2026 Regular Sessions

IN SENATE

January 9, 2025

Introduced by Sens. TEDISCO, O'MARA, WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to imposing additional penalties for animal abuse

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

1 Section 1. Section 353 of the agriculture and markets law, as amended
2 by chapter 458 of the laws of 1985 and the opening paragraph as amended
3 by chapter 523 of the laws of 2005, is amended to read as follows:

4 § 353. Overdriving, torturing and injuring animals; failure to provide
5 proper sustenance. 1. A person who overdrives~~[7]~~ or overloads~~[7, tortures~~
6 ~~or cruelly beats or unjustifiably injures, maims, mutilates or kills]~~
7 any animal, whether wild or tame, and whether belonging to ~~[himself]~~
8 such person or to another, or deprives any animal of necessary suste-
9 nance, food or drink, or neglects or refuses to furnish it such suste-
10 nance or drink, or causes, procures or permits any animal to be over-
11 driven, overloaded, ~~[tortured, cruelly beaten, or unjustifiably injured,~~
12 ~~maimed, mutilated or killed,]~~ or to be deprived of necessary food or
13 drink, or who wilfully sets on foot, instigates, engages in, or in any
14 way furthers any such act of cruelty to any animal, or any such act
15 tending to produce such cruelty, is guilty of a class A misdemeanor and
16 for purposes of paragraph (b) of subdivision one of section 160.10 of
17 the criminal procedure law, shall be treated as a misdemeanor defined in
18 the penal law.

19 2. The court, for a person who tortures or cruelly beats or unjustifi-
20 ably injures, maims, mutilates or kills any animal, whether wild or
21 tame, and whether belonging to such person or another, or who causes,
22 procures or permits any animal to be tortured, cruelly beaten, or
23 unjustifiably injured, maimed, mutilated or killed shall, in addition to
24 any other penalty otherwise imposed by law for a violation of this

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

LBD02630-01-5

1 section order an immediate and thorough psychiatric analysis and evalu-
2 ation by a competent professional, and where necessary require a person
3 who violates any of such provisions to enter into and successfully
4 complete any treatment or program deemed helpful in modifying behavior
5 patterns or treating any mental illness which may cause or contribute to
6 such illegal activities.

7 3. Notwithstanding any inconsistent provision of the family court act,
8 or any other provision of law where a person deemed a youthful offender
9 violates any provision of this section, any record or matter considered
10 in connection with the adjudication entered with respect to the same
11 shall not be sealed or otherwise protected from disclosure and may be
12 used for any lawful purpose in any subsequent prosecution, whenever
13 commenced.

14 4. Nothing [herein] contained in this section shall be construed to
15 prohibit or interfere with any properly conducted scientific tests,
16 experiments or investigations, involving the use of living animals,
17 performed or conducted in laboratories or institutions, which are
18 approved for these purposes by the [state] commissioner of health. The
19 [state] commissioner of health shall prescribe the rules under which
20 such approvals shall be granted, including therein standards regarding
21 the care and treatment of any such animals. Such rules shall be
22 published and copies thereof conspicuously posted in each such laborato-
23 ry or institution. The [state] commissioner of health or [his] the
24 commissioner's duly authorized representative shall have the power to
25 inspect such laboratories or institutions to insure compliance with such
26 rules and standards. Each such approval may be revoked at any time for
27 failure to comply with such rules and in any case the approval shall be
28 limited to a period not exceeding one year.

29 Nothing contained in this section shall be construed to prohibit or
30 interfere in any way with anyone lawfully engaged in hunting, trapping,
31 or fishing, as defined by the environmental conservation law; or with
32 the routine management of a farming operation; or the eradication of
33 vermin; or the dispatch of rabid or diseased animals or animals posing
34 an imminent threat to human safety.

35 § 2. This act shall take effect on the first of November next succeed-
36 ing the date on which it shall have become a law.