

STATE OF NEW YORK

5654

2025-2026 Regular Sessions

IN SENATE

February 26, 2025

Introduced by Sen. MURRAY -- 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 regard to enhancing penalties for aggravated animal abuse; and to amend the criminal procedure law, in relation to allowing aggravated animal abuse to be considered for bail

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, the opening paragraph as amended by
3 chapter 523 of the laws of 2005, is amended to read as follows:

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

19 Nothing herein contained shall be construed to prohibit or interfere
20 with any properly conducted scientific tests, experiments or investigations, involving the use of living animals, performed or conducted in
21 laboratories or institutions, which are approved for these purposes by the state commissioner of health. The state commissioner of health shall
22 prescribe the rules under which such approvals shall be granted, including therein standards regarding the care and treatment of any such
23 animals. Such rules shall be published and copies thereof conspicuously
24
25
26

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

LBD10285-01-5

1 posted in each such laboratory or institution. The state commissioner of
2 health or [~~his~~] such commissioner's duly authorized representative shall
3 have the power to inspect such laboratories or institutions to [~~insure~~]
4 ensure compliance with such rules and standards. Each such approval may
5 be revoked at any time for failure to comply with such rules and in any
6 case the approval shall be limited to a period not exceeding one year.

7 § 2. Subdivision 1 of section 353-a of the agriculture and markets
8 law, as added by chapter 118 of the laws of 1999, is amended to read as
9 follows:

10 1. A person is guilty of aggravated cruelty to animals when[~~r~~]: (a)
11 with no justifiable purpose, [~~he or she intentionally kills or inten-~~
12 ~~tionally causes serious physical injury to a companion animal with~~
13 ~~aggravated cruelty. For purposes of this section, "aggravated cruelty"~~
14 ~~shall mean conduct which: (i) is intended to cause extreme physical~~
15 ~~pain; or (ii) is done or carried out in an especially depraved or sadis-~~
16 ~~tic manner] such person tortures or cruelly beats or unjustifiably
17 injures, maims, mutilates or kills any animal, whether wild or tame, and
18 whether belonging to such person or to another; or~~

19 (b) such person violates section three hundred fifty-three of this
20 article while released on recognizance for violating any order of
21 protection.

22 § 3. Paragraphs (t) and (u) of subdivision 4 of section 510.10 of the
23 criminal procedure law, paragraph (t) as amended and paragraph (u) as
24 added by section 2 of subpart B of part UU of chapter 56 of the laws of
25 2022, are amended and a new paragraph (v) is added to read as follows:

26 (t) any felony or class A misdemeanor involving harm to an identifi-
27 able person or property, or any charge of criminal possession of a
28 firearm as defined in section 265.01-b of the penal law, where such
29 charge arose from conduct occurring while the defendant was released on
30 [~~his or her~~] such principal's own recognizance, released under condi-
31 tions, or had yet to be arraigned after the issuance of a desk appear-
32 ance ticket for a separate felony or class A misdemeanor involving harm
33 to an identifiable person or property, or any charge of criminal
34 possession of a firearm as defined in section 265.01-b of the penal law,
35 provided, however, that the prosecutor must show reasonable cause to
36 believe that the defendant committed the instant crime and any underly-
37 ing crime. For the purposes of this subparagraph, any of the underlying
38 crimes need not be a qualifying offense as defined in this subdivision.
39 For the purposes of this paragraph, "harm to an identifiable person or
40 property" shall include but not be limited to theft of or damage to
41 property. However, based upon a review of the facts alleged in the accu-
42 satory instrument, if the court determines that such theft is negligible
43 and does not appear to be in furtherance of other criminal activity, the
44 principal shall be released on [~~his or her~~] such principal's own recog-
45 nizance or under appropriate non-monetary conditions; [~~or~~]

46 (u) criminal possession of a weapon in the third degree as defined in
47 subdivision three of section 265.02 of the penal law or criminal sale of
48 a firearm to a minor as defined in section 265.16 of the penal law[~~r~~];
49 or

50 (v) aggravated cruelty to animals as defined in section three hundred
51 fifty-three-a of the agriculture and markets law.

52 § 4. Subparagraphs (xx) and (xxi) of paragraph b of subdivision 1 of
53 section 530.20 of the criminal procedure law, subparagraph (xx) as
54 amended and subparagraph (xxi) as added by section 4 of subpart C of
55 part UU of chapter 56 of the laws of 2022, are amended and a new para-
56 graph (xxii) is added to read as follows:

1 (xx) any felony or class A misdemeanor involving harm to an identifi-
2 able person or property, or any charge of criminal possession of a
3 firearm as defined in section 265.01-b of the penal law where such
4 charge arose from conduct occurring while the defendant was released on
5 ~~[his or her]~~ such principal's own recognizance, released under condi-
6 tions, or had yet to be arraigned after the issuance of a desk appear-
7 ance ticket for a separate felony or class A misdemeanor involving harm
8 to an identifiable person or property, provided, however, that the
9 prosecutor must show reasonable cause to believe that the defendant
10 committed the instant crime and any underlying crime. For the purposes
11 of this subparagraph, any of the underlying crimes need not be a quali-
12 fying offense as defined in this subdivision. For the purposes of this
13 paragraph, "harm to an identifiable person or property" shall include
14 but not be limited to theft of or damage to property. However, based
15 upon a review of the facts alleged in the accusatory instrument, if the
16 court determines that such theft is negligible and does not appear to be
17 in furtherance of other criminal activity, the principal shall be
18 released on ~~[his or her]~~ such principal's own recognizance or under
19 appropriate non-monetary conditions; ~~[or]~~

20 (xxi) criminal possession of a weapon in the third degree as defined
21 in subdivision three of section 265.02 of the penal law or criminal sale
22 of a firearm to a minor as defined in section 265.16 of the penal
23 law~~[-]; or~~

24 (xxii) aggravated cruelty to animals as defined in section three
25 hundred fifty-three-a of the agriculture and markets law.

26 § 5. Paragraphs (t) and (u) of subdivision 4 of section 530.40 of the
27 criminal procedure law, paragraph (t) as amended and paragraph (u) as
28 added by section 4 of subpart B of part UU of chapter 56 of the laws of
29 2022, are amended and a new paragraph (v) is added to read as follows:

30 (t) any felony or class A misdemeanor involving harm to an identifi-
31 able person or property, or any charge of criminal possession of a
32 firearm as defined in section 265.01-b of the penal law, where such
33 charge arose from conduct occurring while the defendant was released on
34 ~~[his or her]~~ such principal's own recognizance, released under condi-
35 tions, or had yet to be arraigned after the issuance of a desk appear-
36 ance ticket for a separate felony or class A misdemeanor involving harm
37 to an identifiable person or property, or any charge of criminal
38 possession of a firearm as defined in section 265.01-b of the penal law,
39 provided, however, that the prosecutor must show reasonable cause to
40 believe that the defendant committed the instant crime and any underly-
41 ing crime. For the purposes of this subparagraph, any of the underlying
42 crimes need not be a qualifying offense as defined in this subdivision.
43 For the purposes of this paragraph, "harm to an identifiable person or
44 property" shall include but not be limited to theft of or damage to
45 property. However, based upon a review of the facts alleged in the accu-
46 satory instrument, if the court determines that such theft is negligible
47 and does not appear to be in furtherance of other criminal activity, the
48 principal shall be released on ~~[his or her]~~ such principal's own recog-
49 nizance or under appropriate non-monetary conditions; ~~[or]~~

50 (u) criminal possession of a weapon in the third degree as defined in
51 subdivision three of section 265.02 of the penal law or criminal sale of
52 a firearm to a minor as defined in section 265.16 of the penal law~~[-];~~
53 or

54 (v) aggravated cruelty to animals as defined in section three hundred
55 fifty-three-a of the agriculture and markets law.

56 § 6. This act shall take effect immediately.