

STATE OF NEW YORK

5895

2025-2026 Regular Sessions

IN SENATE

March 3, 2025

Introduced by Sen. LANZA -- 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 and the penal law, in relation to promoting understanding, awareness and enforcement of animal crimes laws; and to repeal sections 351, 353, 353-a, 353-b, 353-d, 355, 360, 361, 362 and subdivision 8 of section 374 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:

- 1 Section 1. Section 350 of the agriculture and markets law, as added
2 by chapter 1047 of the laws of 1965, subdivision 3 as added by chapter
3 619 of the laws of 1987, subdivision 4 as added by chapter 569 of the
4 laws of 1995, subdivision 5 as amended by chapter 118 of the laws of
5 1999, is amended to read as follows:
6 § 350. Definitions. 1. "Animal[~~r~~]" as used in this article, includes
7 every living creature except a human being[~~r~~].
8 2. [~~"Torture" or "cruelty"~~] "Cruelty" includes every act, omission, or
9 neglect, whereby unjustifiable physical pain, suffering or death is
10 caused or permitted and shall include but not be limited to, any act of
11 overdriving, overloading, injuring, maiming, mutilating or killing an
12 animal.
13 2-a. "Torture" means conduct that is intended to cause extreme phys-
14 ical pain.
15 3. "Adoption" means the delivery [~~to any natural person eighteen years~~
16 ~~of age or older, for the limited purpose of harboring a pet, of any dog~~
17 ~~or cat, seized or surrendered]~~ of any animal forfeited, seized or
18 surrendered, to any natural person eighteen years of age or older, for
19 the purpose of that person permanently harboring such animal as a pet.
20 4. "Farm animal", as used in this article, means any ungulate, poul-
21 try, species of cattle, sheep, swine, goats, llamas, horses or fur-bear-
22 ing animals, as defined in section 11-1907 of the environmental conser-

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

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1 vation law, which are raised for commercial or subsistence purposes.
2 Fur-bearing animal, as referenced in this article, shall not include
3 dogs or cats.

4 5. "Companion animal" or "pet" means any dog or cat, and shall also
5 mean any other domesticated animal normally maintained in or near the
6 household of the owner or person who cares for such other domesticated
7 animal. [~~"Pet" or "companion"~~] "Companion animal" or "pet" shall not
8 include a "farm animal" as defined in this section.

9 6. "Animal cruelty offense" means any violation of this article or of
10 article two hundred eighty of the penal law, or any other unlawful act
11 by which harm is intentionally, knowingly, recklessly or negligently
12 caused or permitted to occur to an animal.

13 7. "Duly incorporated society for the prevention of cruelty to
14 animals", as used in this article, shall mean a corporation constituted
15 pursuant to the provisions of paragraph (g) of section four hundred four
16 and section fourteen hundred three of the not-for-profit corporation
17 law.

18 § 2. Sections 351, 353, 353-a, 353-b, 353-d, 355, 360, 361 and 362 of
19 the agriculture and markets law are REPEALED.

20 § 3. Section 365 of the agriculture and markets law, as amended by
21 chapter 458 of the laws of 1985, is amended to read as follows:

22 § 365. Clipping or cutting the ears of dogs. 1. Whoever clips or cuts
23 off or causes or procures another to clip or cut off the whole or any
24 part of an ear of any dog unless an anaesthetic shall have been given to
25 the dog and the operation performed by a licensed veterinarian, is guilt-
26 ty of a misdemeanor, punishable by imprisonment for not more than one
27 year, or a fine of not more than one thousand dollars, or by both.

28 2. [~~The provisions of this section shall not apply to any dog or~~
29 ~~person who is the owner or possessor of any dog whose ear or a part~~
30 ~~thereof has been clipped or cut off prior to September first, nineteen~~
31 ~~hundred twenty-nine.~~

32 ~~3.]~~ Each applicant for a dog license must state on such application
33 whether any ear of the dog for which [~~he~~] such applicant applies for
34 such license has been cut off wholly or in part.

35 [~~4.]~~ 3. Nothing herein contained shall be construed as preventing any
36 dog whose ear or ears shall have been clipped or cut off wholly or in
37 part, not in violation of this section, from being imported into the
38 state exclusively for breeding purposes.

39 § 4. Section 369 of the agriculture and markets law, as amended by
40 chapter 458 of the laws of 1985, is amended to read as follows:

41 § 369. Interference with officers. Any person who shall interfere with
42 or obstruct any constable or police officer or any officer or agent of
43 any duly incorporated society for the prevention of cruelty to animals
44 in the discharge of [~~his~~] their duty to enforce the laws relating to
45 animals, including those provisions contained in article two hundred
46 eighty of the penal law, shall be guilty of a misdemeanor, punishable by
47 imprisonment for not more than one year, or by a fine of not more than
48 one thousand dollars, or by both.

49 § 5. Section 371 of the agriculture and markets law, as amended by
50 chapter 573 of the laws of 1978, is amended to read as follows:

51 § 371. Powers of peace officers. A constable or police officer must,
52 and any agent or officer of any duly incorporated society for the
53 prevention of cruelty to animals may issue an appearance ticket pursuant
54 to section 150.20 of the criminal procedure law, summon or arrest, and
55 bring before a court or magistrate having jurisdiction, any person
56 offending against any of the provisions of this article [~~twenty-six of~~

1 ~~the agriculture and markets law]~~ or any provisions of article two
2 hundred eighty of the penal law. Any officer or agent of any of said
3 societies may lawfully interfere to prevent the perpetration of any act
4 of cruelty upon any animal in [~~his~~] such officer or agent's presence.
5 Any of said societies may prefer a complaint before any court, tribunal
6 or magistrate having jurisdiction, for the violation of any law relating
7 to or affecting animals and may aid in presenting the law and facts
8 before such court, tribunal or magistrate in any proceeding taken.

9 § 6. Subdivision 6 of section 373 of the agriculture and markets law,
10 as amended by chapter 256 of the laws of 1997, paragraph a as amended by
11 chapter 289 of the laws of 2018, subparagraph 1 of paragraph b as
12 amended by chapter 531 of the laws of 2013 and subparagraph 2 of para-
13 graph b as amended by section 24 of part T of chapter 59 of the laws of
14 2010, is amended to read as follows:

15 6. a. If any animal is seized [~~and~~] or impounded pursuant to the
16 provisions of this section, [~~section three hundred fifty-three-d of this~~
17 ~~article]~~ or section three hundred seventy-five of this article, or
18 pursuant to the provisions of article six hundred ninety of the criminal
19 procedure law, for any violation of this article, any violation of arti-
20 cle two hundred eighty of the penal law or in connection with the arrest
21 for an animal cruelty offense, then, upon arraignment of charges, or
22 within a reasonable time thereafter, [~~the~~] a duly incorporated society
23 for the prevention of cruelty to animals, humane society, pound, animal
24 shelter, sheriff, municipal police department, district attorney or any
25 authorized agents thereof, hereinafter referred to for the purposes of
26 this section as the "impounding organization", may file a petition with
27 the court in which criminal charges have been filed requesting that the
28 person from whom an animal is seized or the owner of the animal be
29 ordered to post a security. The district attorney prosecuting the charg-
30 es may file and obtain the requested relief on behalf of the impounding
31 organization if requested to do so by the impounding organization. The
32 security shall be in an amount sufficient to secure payment for all
33 reasonable expenses expected to be incurred by the impounding organiza-
34 tion in caring and providing for the animal pending disposition of the
35 charges. Reasonable expenses shall include, but not be limited to, esti-
36 mated medical care and boarding of the animal for at least thirty days.
37 The amount of the security, if any, shall be determined by the court
38 after taking into consideration all of the facts and circumstances of
39 the case including, but not limited to the recommendation of the
40 impounding organization having custody and care of the seized animal and
41 the cost of caring for the animal. If a security has been posted in
42 accordance with this section, the impounding organization may draw from
43 the security the actual reasonable costs to be incurred by such organ-
44 ization in caring for the seized animal.

45 b. (1) Upon receipt of a petition pursuant to paragraph a of this
46 subdivision the court shall set a hearing on the petition to be
47 conducted within ten business days of the filing of such petition. The
48 petitioner shall serve a true copy of the petition upon the defendant
49 and the district attorney if the district attorney has not filed the
50 petition on behalf of the petitioner. The petitioner shall also serve a
51 true copy of the petition on any interested person. For purposes of this
52 subdivision, interested person shall mean an individual, partnership,
53 firm, joint stock company, corporation, association, trust, estate or
54 other legal entity who the court determines may have a pecuniary inter-
55 est in the animal which is the subject of the petition. The petitioner
56 or the district attorney acting on behalf of the petitioner, shall have

1 the burden of proving by a preponderance of the evidence that the person
2 from whom the animal was seized violated a provision of this article.
3 The court may waive for good cause shown the posting of security.

4 (2) If the court orders the posting of a security, the security shall
5 be posted with the clerk of the court within five business days of the
6 hearing provided for in subparagraph one of this paragraph. The court
7 may order the immediate forfeiture of the seized animal to the impound-
8 ing organization if the person ordered to post the security fails to do
9 so. Any animal forfeited shall be made available for adoption or euthan-
10 ized subject to subdivision seven-a of section one hundred seventeen of
11 this chapter or section three hundred seventy-four of this article.

12 (3) In the case of an animal other than a companion animal or pet, if
13 a person ordered to post security fails to do so, the court may, in
14 addition to the forfeiture to [~~a duly incorporated society for the~~
15 ~~prevention of cruelty to animals, humane society, pound, animal shelter~~
16 ~~or any authorized agents thereof~~] the impounding organization, and
17 subject to the restrictions of sections three hundred fifty-four, three
18 hundred fifty-seven and three hundred seventy-four of this article,
19 order the animal which was the basis of the order to be sold, provided
20 that all interested persons shall first be provided the opportunity to
21 redeem their interest in the animal and to purchase the interest of the
22 person ordered to post security, subject to such conditions as the court
23 deems appropriate to assure proper care and treatment of the animal. The
24 court may reimburse the person ordered to post security and any inter-
25 ested persons any money earned by the sale of the animal less any costs
26 including, but not limited to, veterinary and custodial care. Any animal
27 determined by the court to be maimed, diseased, disabled or infirm so as
28 to be unfit for sale or any useful purpose shall be forfeited to [~~a duly~~
29 ~~incorporated society for the prevention of cruelty to animals or a duly~~
30 ~~incorporated humane society~~] the impounding organization or authorized
31 agents thereof, and be available for adoption or shall be euthanized
32 subject to section three hundred seventy-four of this article.

33 (4) Nothing in this section shall be construed to limit or restrict in
34 any way the rights of a secured party having a security interest in any
35 animal described in this section. This section expressly does not impair
36 or subordinate the rights of such a secured lender having a security
37 interest in the animal or in the proceeds from the sale of such animal.

38 c. In no event shall the security prevent the impounding organization
39 having custody and care of the animal from disposing of the animal
40 pursuant to section three hundred seventy-four of this article prior to
41 the expiration of the thirty day period covered by the security if the
42 court makes a determination of the charges against the person from whom
43 the animal was seized prior thereto. Upon receipt of a petition from the
44 impounding organization, the court may order the person from whom the
45 animal was seized or the owner of the animal to post an additional secu-
46 rity with the clerk of the court to secure payment of reasonable
47 expenses for an additional period of time pending a determination by the
48 court of the charges against the person from whom the animal was seized.
49 The person who posted the security shall be entitled to a refund of the
50 security in whole or part for any expenses not incurred by such impound-
51 ing organization upon adjudication of the charges. The person who posted
52 the security shall be entitled to a full refund of the security, includ-
53 ing reimbursement by the impounding organization of any amount allowed
54 by the court to be expended, and the return of the animal seized and
55 impounded upon acquittal or dismissal of the charges, except where the
56 dismissal is based upon an adjournment in contemplation of dismissal

1 pursuant to section 215.30 of the criminal procedure law. The court
2 order directing such refund and reimbursement shall provide for payment
3 to be made within a reasonable time from the acquittal or dismissal of
4 charges.

5 § 7. Subdivision 8 of section 374 of the agriculture and markets law
6 is REPEALED.

7 § 8. The agriculture and markets law is amended by adding a new
8 section 387 to read as follows:

9 § 387. Special sentencing provisions. In addition to any other penal-
10 ty provided by law, a court may impose the following sentences upon a
11 conviction for any animal cruelty offense:

12 1. The convicted person may, after a duly held hearing pursuant to
13 subdivision six of this section, be ordered by the court to forfeit, to
14 an animal shelter, pound, sheriff, municipal police department, district
15 attorney, a duly incorporated society for the prevention of cruelty to
16 animals or a duly incorporated humane society or authorized agents ther-
17 eof, the animal or animals which are the basis of the conviction. Upon
18 such an order of forfeiture, the convicted person shall be deemed to
19 have relinquished all rights to the animals which are the basis of the
20 conviction, except those granted in subdivision two of this section.

21 2. In the case of farm animals, the court may, in addition to the
22 forfeiture to an animal shelter, pound, sheriff, municipal police
23 department, district attorney, a duly incorporated society for the
24 prevention of cruelty to animals or a duly incorporated humane society
25 or authorized agents thereof, and subject to the restrictions of
26 sections three hundred fifty-four and three hundred fifty-seven of this
27 article, order the farm animals which were the basis of the conviction
28 to be sold. In no case shall farm animals which are the basis of the
29 conviction be redeemed by the convicted person who is the subject of the
30 order of forfeiture or by any person charged with an animal cruelty
31 offense for conspiring, aiding or abetting in the unlawful act which was
32 the basis of the conviction, or otherwise acting as an accomplice if
33 such charge has not yet been adjudicated. The court shall reimburse the
34 convicted person and any duly determined interested persons, pursuant to
35 subdivision six of this section, any money earned by the sale of the
36 farm animals less any costs including, but not limited to, veterinary
37 and custodial care, and any fines or penalties imposed by the court. The
38 court may order that the subject animals be provided with appropriate
39 care and treatment pending the hearing and the disposition of the charg-
40 es. Any farm animal ordered forfeited but not sold shall be remanded to
41 the custody and charge of an animal shelter, pound, sheriff, municipal
42 police department, district attorney, a duly incorporated society for
43 the prevention of cruelty to animals or duly incorporated humane society
44 or its authorized agent thereof and disposed of pursuant to subdivision
45 five of this section.

46 3. The court may order that the convicted person shall not own,
47 harbor, or have custody or control of any other animals, other than farm
48 animals, for a period of time which the court deems reasonable. In
49 making its determination of what period of time is reasonable, the court
50 shall take into account the totality of the circumstances before it and
51 be bound to no single factor. Such order must be in writing and specif-
52 ically state the period of time imposed.

53 4. No dog or cat in the custody of a duly incorporated society for
54 the prevention of cruelty to animals, a duly incorporated humane society
55 or its authorized agents thereof, or a pound or shelter, shall be sold,
56 transferred or otherwise made available to any person for the purpose of

1 research, experimentation or testing. No authorized agent of a duly
2 incorporated society for the prevention of cruelty to animals, nor of a
3 duly incorporated humane society, shall use any animal placed in its
4 custody by the duly incorporated society for the prevention of cruelty
5 to animals or duly incorporated humane society for the purpose of
6 research, experimentation or testing.

7 5. An animal shelter, pound, sheriff, municipal police department,
8 district attorney, a duly incorporated society for the prevention of
9 cruelty to animals or a duly incorporated humane society in charge of
10 animals forfeited pursuant to subdivision one or two of this section
11 may, in its discretion, lawfully and without liability, adopt them to
12 individuals other than the convicted person or person charged with an
13 animal cruelty offense for conspiring, aiding or abetting in the unlaw-
14 ful act which was the basis of the conviction, or otherwise acting as an
15 accomplice if such charge has not yet been adjudicated, or humanely
16 dispose of them subject to section three hundred seventy-four of this
17 article.

18 6. (a) Prior to an order of forfeiture of farm animals, a hearing
19 shall be held within thirty days of conviction to determine the pecuni-
20 ary interests of any other person in the farm animals which were the
21 basis of the conviction. Written notice shall be served at least five
22 days prior to the hearing upon all interested persons. In addition,
23 notice shall be made by publication in a local newspaper at least seven
24 days prior to the hearing. For the purposes of this subdivision, inter-
25 ested persons shall mean any individual, partnership, firm, joint stock
26 company, corporation, association, trust, estate, or other legal entity
27 who the court determines may have a pecuniary interest in the farm
28 animals which are the subject of the forfeiture action.

29 (b) All interested persons shall be provided an opportunity at the
30 hearing to redeem their interest as determined by the court in the
31 subject farm animals and to purchase the interest of the convicted
32 person. The convicted person shall be entitled to be reimbursed their
33 interest in the farm animals, less any costs, fines or penalties imposed
34 by the court, as specified under subdivision two of this section. In no
35 case shall the court award custody or control of the animals to any
36 interested person who conspired, aided or abetted in the unlawful act
37 which was the basis of the conviction, or who knew or should have known
38 of the unlawful act.

39 7. Nothing in this section shall be construed to limit or restrict in
40 any way the rights of a secured party having a security interest in any
41 farm animal described in this section. This section expressly does not
42 impair or subordinate the rights of such a secured lender having a secu-
43 rity interest in farm animals or in the proceeds from the sale of such
44 farm animals.

45 § 9. Part 3 of the penal law is amended by adding a new title Q to
46 read as follows:

47 TITLE Q

48 OFFENSES AGAINST ANIMALS

49 ARTICLE 280

50 OFFENSES AGAINST ANIMALS

51 Section 280.00 Definitions.

52 280.05 Promoting animal fighting in the second degree.

53 280.10 Promoting animal fighting in the first degree.

54 280.20 Animal cruelty in the second degree.

55 280.25 Animal cruelty in the first degree.

1 12. "Animal fighting paraphernalia" shall mean equipment, products, or
2 materials of any kind that are used, intended for use, or designed for
3 use in the training, preparation, conditioning or furtherance of animal
4 fighting. Animal fighting paraphernalia includes: (i) a breaking stick,
5 which means a device designed for insertion behind the molars of a dog
6 for the purpose of breaking the dog's grip on another animal or object;
7 (ii) a cat mill, which means a device that rotates around a central
8 support with one arm designed to secure a dog and one arm designed to
9 secure a cat, rabbit, or other small animal beyond the grasp of the dog;
10 (iii) a treadmill, which means an exercise device consisting of an
11 endless belt on which the animal walks or runs without changing places;
12 (iv) a springpole, which means a biting surface attached to a stretcha-
13 ble device, suspended at a height sufficient to prevent a dog from
14 reaching the biting surface while touching the ground; (v) a fighting
15 pit, which means a walled area, or otherwise defined area, designed to
16 contain an animal fight; and (vi) any other instrument commonly used in
17 the furtherance of pitting an animal against another animal.

18 § 280.05 Promoting animal fighting in the second degree.

19 A person is guilty of promoting animal fighting in the second degree
20 when such person:

21 1. Owns, possesses, or keeps any animal under any circumstance evincing
22 an intent that such animal engage in animal fighting; or

23 2. Pays an admission fee, makes a wager, or is otherwise present at
24 any place where an exhibition of animal fighting is being conducted, and
25 such person has knowledge that such an exhibition is being conducted.

26 3. Owns, possesses, sells, transfers or manufactures animal fighting
27 paraphernalia under any circumstance evincing an intent that such
28 paraphernalia be used to engage in or otherwise promote or facilitate
29 animal fighting.

30 Promoting animal fighting in the second degree is a class A misdemea-
31 nor.

32 § 280.10 Promoting animal fighting in the first degree.

33 A person is guilty of promoting animal fighting in the first degree
34 when such person:

35 1. Intentionally causes an animal to engage in animal fighting; or

36 2. Trains an animal under circumstances evincing an intent that such
37 animal engage in animal fighting; or

38 3. Breeds, transfers, sells or offers for sale an animal under circum-
39 stances evincing an intent that such animal engage in animal fighting;
40 or

41 4. Permits any act described in subdivision one, two or three of this
42 section to occur on premises under such person's control; or

43 5. Owns, possesses or keeps any animal on premises where an exhibition
44 of animal fighting is being conducted under circumstances evincing an
45 intent that such animal engage in animal fighting.

46 Promoting animal fighting in the first degree is a class D felony.

47 § 280.20 Animal cruelty in the second degree.

48 A person is guilty of animal cruelty in the second degree when:

49 1. Having ownership, possession, care, control, charge or custody of
50 an animal, such person deprives such animal of, or neglects to furnish
51 such animal with, nutrition, hydration, veterinary care, or shelter
52 adequate to maintain the animal's health and comfort, or causes,
53 procures, or permits such animal to be deprived of nutrition, hydration,
54 veterinary care, or shelter adequate to maintain the animal's health and
55 comfort, and knows or reasonably should know that such animal is not
56 receiving adequate nutrition, hydration, veterinary care or shelter; or

1 2. Having ownership, possession, care, control, charge or custody of
2 an animal, such person abandons such animal; or

3 3. Having no justifiable purpose, such person knowingly instigates,
4 engages in, or in any way furthers cruelty to an animal, or any act
5 tending to produce such cruelty; or

6 4. Having no justifiable purpose, such person administers or exposes
7 any poisonous or noxious drug or substance to an animal, with intent
8 that the animal take the same and with intent to injure the animal.

9 Nothing contained in this section shall be construed to prohibit or
10 interfere in any way with anyone lawfully engaged in hunting, trapping,
11 or fishing, as provided in article eleven of the environmental conserva-
12 tion law, the dispatch of rabid or diseased animals, as provided in
13 article twenty-one of the public health law, or the dispatch of animals
14 posing a threat to human safety or other animals, where such action is
15 otherwise legally authorized. Nothing herein contained shall be
16 construed to prohibit or interfere with any properly conducted scientifi-
17 fic tests, experiments, or investigations involving the use of living
18 animals, performed or conducted in laboratories or institutions, which
19 are approved for these purposes by the commissioner of health. The
20 commissioner of health shall prescribe the rules under which such
21 approvals shall be granted, including therein standards regarding the
22 care and treatment of any such animals. Such rules shall be published
23 and copies thereof conspicuously posted in each such laboratory or
24 institution. The state commissioner of health or duly authorized repre-
25 sentative shall have the power to inspect such laboratories or insti-
26 tutions to ensure compliance with such rules and standards. Each such
27 approval may be revoked at any time for failure to comply with such
28 rules and in any case the approval shall be limited to a period not
29 exceeding one year.

30 Animal cruelty in the second degree is a class A misdemeanor.

31 § 280.25 Animal cruelty in the first degree.

32 A person is guilty of animal cruelty in the first degree when:

33 1. Having no justifiable purpose and with intent to cause the death of
34 a companion animal, such person causes the death of such animal; or

35 2. Having no justifiable purpose and with intent to cause serious
36 physical injury to a companion animal, such person causes such injury to
37 such animal; or

38 3. Having no justifiable purpose, such person intentionally tortures
39 an animal or knowingly instigates, engages in, or in any way furthers
40 aggravated cruelty to an animal, or any act tending to produce such
41 aggravated cruelty; or

42 4. Commits the crime of animal cruelty in the second degree in
43 violation of subdivision four of section 280.20 of this article and such
44 animal is a horse, mule, or domestic cattle; or

45 5. Commits the crime of animal cruelty in the second degree in
46 violation of section 280.20 of this article and has previously been
47 convicted, within the preceding ten years, of animal cruelty in the
48 second degree.

49 Nothing contained in this section shall be construed to prohibit or
50 interfere in any way with anyone lawfully engaged in hunting, trapping,
51 or fishing, as provided in article eleven of the environmental conserva-
52 tion law, the dispatch of rabid or diseased animals, as provided in
53 article twenty-one of the public health law, or the dispatch of animals
54 posing a threat to human safety or other animals, where such action is
55 otherwise legally authorized, or any properly conducted scientific
56 tests, experiments, or investigations involving the use of living

1 animals, performed or conducted in laboratories or institutions approved
2 for such purposes by the commissioner of health pursuant to section
3 280.20 of this article.

4 Animal cruelty in the first degree is a class D felony.

5 § 280.30 Unlawful dealing with animals used for racing, breeding, or
6 competitive exhibition of skill, breed or stamina.

7 A person is guilty of unlawful dealing with animals used for racing,
8 breeding, or competitive exhibition of skill, breed, or stamina when
9 such person:

10 1. Commits the crime of animal cruelty in the second degree in
11 violation of section 280.20 of this article, and such animal is an
12 animal used for the purposes of racing, breeding or competitive exhibi-
13 tion of skill, breed, or stamina; or

14 2. Having no justifiable purpose, such person tampers with an animal
15 used for the purposes of racing, breeding, or competitive exhibition of
16 skill, breed, or stamina, or otherwise interferes with such an animal
17 during a race or competitive exhibition of skill, breed, or stamina.

18 Unlawful dealing with animals used for racing, breeding or competitive
19 exhibition of skill, breed or stamina is a class E felony.

20 § 280.35 Endangering the welfare of animals.

21 A person is guilty of endangering the welfare of animals when, with
22 the intent to cause injury to an animal, or recklessly creating a risk
23 thereof, such person:

24 1. Creates a hazardous or physically offensive condition for any
25 animal by any act that serves no legitimate purpose; or

26 2. Throws, drops or places, or causes to be thrown, dropped or placed
27 in a public place, a substance that might wound, disable, or injure any
28 animal.

29 Endangering the welfare of animals is a violation.

30 § 280.40 Animal abduction in the third degree.

31 A person is guilty of animal abduction in the third degree when such
32 person restrains a companion animal without the consent of the individ-
33 ual having ownership, possession, care, control, charge or custody over
34 said companion animal.

35 Animal abduction in the third degree is a class B misdemeanor.

36 § 280.45 Animal abduction in the second degree.

37 A person is guilty of animal abduction in the second degree when such
38 person abducts a companion animal without the consent of the individual
39 having ownership, possession, care, control, charge or custody over said
40 companion animal.

41 Animal abduction in the second degree is a class A misdemeanor.

42 § 280.50 Animal abduction in the first degree.

43 A person is guilty of animal abduction in the first degree when such
44 person abducts or restrains a companion animal without the consent of
45 the individual having ownership, possession, care, control, charge or
46 custody over said companion animal, and when:

47 1. Such person's intent is to compel the payment or deliverance of
48 money or property as ransom, or to engage in other particular conduct,
49 or to refrain from engaging in particular conduct; or

50 2. Such person causes physical injury to the companion animal; or

51 3. The companion animal dies during the abduction or before it is able
52 to return or be returned to safety. Such death shall be presumed from
53 evidence that the individual having ownership, possession, care,
54 control, charge or custody over said companion animal did not see the
55 animal following the termination of the abduction and prior to trial and

1 received no reliable information during such period persuasively indi-
2 cating that such animal was alive.

3 Animal abduction in the first degree is a class D felony.

4 § 280.55 Unauthorized possession of animal presumptive evidence of
5 restraint and abduction.

6 The unauthorized possession of a companion animal by any person with-
7 out the consent of the individual having ownership, possession, care,
8 control, charge or custody over said companion animal, for a period
9 exceeding ten days, without notifying either said individual, the local
10 police authorities, the local municipal shelter or pound or the office
11 of the superintendent of the state police located in Albany, New York,
12 of such possession, shall be presumptive evidence of restraint and
13 abduction.

14 § 280.60 Appropriate shelter for dogs left outdoors.

15 1. For purposes of this section:

16 (a) "Physical condition" shall include any special medical needs of a
17 dog due to disease, illness, injury, age or breed about which the owner
18 or person with custody or control of the dog should reasonably be aware.

19 (b) "Inclement weather" shall mean weather conditions that are likely
20 to adversely affect the health or safety of the dog, including but not
21 limited to rain, sleet, ice, snow, wind, or extreme heat and cold.

22 (c) "Dogs that are left outdoors" shall mean dogs that are outdoors in
23 inclement weather without ready access to, or the ability to enter, a
24 house, apartment building, office building, or any other permanent
25 structure that complies with the standards enumerated in paragraph (b)
26 of subdivision three of this section.

27 2. (a) Any person who owns or has custody or control of a dog that is
28 left outdoors shall provide it with shelter appropriate to its breed,
29 physical condition and climate. Any person who knowingly violates the
30 provisions of this section shall be guilty of a violation, punishable by
31 a fine of not less than fifty dollars nor more than one hundred dollars
32 for a first offense, and a fine of not less than one hundred dollars nor
33 more than two hundred fifty dollars for a second and subsequent offense.
34 Beginning seventy-two hours after a charge of violating this section,
35 each day that a defendant fails to correct the deficiencies in the dog
36 shelter for a dog that such defendant owns or that is in their custody
37 or control and that is left outdoors, so as to bring it into compliance
38 with the provisions of this section shall constitute a separate offense.

39 (b) The court may, in its discretion, reduce the amount of any fine
40 imposed for a violation of this section by the amount which the defend-
41 ant proves they have spent providing a dog shelter or repairing an
42 existing dog shelter so that it complies with the requirements of this
43 section. Nothing in this paragraph shall prevent the seizure of a dog
44 for a violation of this section pursuant to the authority granted in
45 this article.

46 3. Minimum standards for determining whether shelter is appropriate to
47 a dog's breed, physical condition and the climate shall include:

48 (a) For dogs that are restrained in any manner outdoors, shade by
49 natural or artificial means to protect the dog from direct sunlight at
50 all times when exposure to sunlight is likely to threaten the health of
51 the dog.

52 (b) For all dogs that are left outdoors in inclement weather, a hous-
53 ing facility, which must: (1) have a waterproof roof; (2) be struc-
54 turally sound with insulation appropriate to local climatic conditions
55 and sufficient to protect the dog from inclement weather; (3) be
56 constructed to allow each dog adequate freedom of movement to make

1 normal postural adjustments, including the ability to stand up, turn
2 around and lie down with its limbs outstretched; and (4) allow for
3 effective removal of excretions, other waste material, dirt and trash.
4 The housing facility and the area immediately surrounding it shall be
5 regularly cleaned to maintain a healthy and sanitary environment and to
6 minimize health hazards.

7 4. Inadequate shelter may be indicated by the appearance of the hous-
8 ing facility itself, including but not limited to, size, structural
9 soundness, evidence of crowding within the housing facility, healthful
10 environment in the area immediately surrounding such facility, or by the
11 appearance or physical condition of the dog.

12 5. Upon a finding of any violation of this section, any dog or dogs
13 seized pursuant to the provisions of this article that have not been
14 voluntarily surrendered by the owner or custodian or forfeited pursuant
15 to court order shall be returned to the owner or custodian only upon
16 proof that appropriate shelter as required by this section is being
17 provided.

18 6. Nothing in this section shall be construed to affect any
19 protections afforded to dogs or other animals under any other provisions
20 of this article.

21 Failure to provide appropriate shelter for dogs left outdoors is a
22 violation.

23 § 280.65 Confinement of companion animals in vehicles; extreme temper-
24 atures.

25 1. A person shall not confine a companion animal in a motor vehicle in
26 extreme heat or cold without proper ventilation or other protection from
27 such extreme temperatures where such confinement places the companion
28 animal in imminent danger of death or serious physical injury due to
29 exposure to such extreme heat or cold.

30 2. Where the operator of such a vehicle cannot be promptly located, a
31 police officer, peace officer, or peace officer acting as an agent of a
32 duly incorporated humane society may take necessary steps to remove the
33 animal or animals from the vehicle.

34 3. Police officers, peace officers or peace officers acting as agents
35 of a duly incorporated humane society removing an animal or animals from
36 a vehicle pursuant to this section shall place a written notice on or in
37 the vehicle, bearing the name of the officer or agent, and the depart-
38 ment or agency and address where the animal or animals will be taken.

39 4. An animal or animals removed from a vehicle pursuant to this
40 section shall, after receipt of any necessary emergency veterinary
41 treatment, be delivered to the duly incorporated humane society or soci-
42 ety for the prevention of cruelty to animals, or designated agent there-
43 of, in the jurisdiction where the animal or animals were seized.

44 5. Any person who knowingly violates the provisions of subdivision one
45 of this section shall be guilty of a violation, punishable by a fine of
46 not less than fifty dollars nor more than one hundred dollars for a
47 first offense, and a fine of not less than one hundred dollars nor more
48 than two hundred fifty dollars for a second and subsequent offenses.

49 6. Officers shall not be held criminally or civilly liable for actions
50 taken reasonably and in good faith in carrying out the provisions of
51 this section.

52 7. Nothing contained in this section shall be construed to affect any
53 other protections afforded to companion animals under any other
54 provisions of this article.

55 Confinement of companion animals in vehicles; extreme temperatures is
56 a violation.

1 § 280.70 Leaving New York state to avoid provisions of this article.

2 A person who leaves this state with intent to elude any of the
3 provisions of this article or to commit any act out of this state which
4 is prohibited by them or who, being a resident of this state, does any
5 act without this state, pursuant to such intent, which would be punisha-
6 ble under such provisions, if committed within this state, is punishable
7 in the same manner as if such act had been committed within this state.

8 § 280.75 Evidentiary and impoundment procedures by members of law
9 enforcement.

10 Matters relating to the seizure, adoption, care, disposition and
11 destruction of animals by members of law enforcement and members of a
12 duly incorporated society for the prevention of cruelty to animals
13 charged to enforce this article, ancillary to such enforcement of this
14 article, shall be governed by article twenty-six of the agriculture and
15 markets law and article six hundred ninety of the criminal procedure
16 law.

17 § 280.80 Special sentencing provisions applicable.

18 In addition to any other penalty provided by law, the sentencing
19 provisions contained in section three hundred eighty-seven of the agri-
20 culture and markets law shall be applicable to violations of this arti-
21 cle.

22 § 10. The penal law is amended by adding a new section 60.22 to read
23 as follows:

24 § 60.22 Authorized dispositions; promoting animal fighting.

25 When a person is convicted of an offense defined in section 280.05 of
26 this chapter, in addition to the other penalties as provided in this
27 chapter, the court may impose a fine which shall not exceed fifteen
28 thousand dollars. When a person is convicted of an offense defined in
29 section 280.10 of this chapter, the court may impose a fine which shall
30 not exceed twenty-five thousand dollars.

31 § 11. Paragraph (c) of subdivision 1 of section 70.02 of the penal
32 law, as amended by chapter 23 of the laws of 2024, is amended to read as
33 follows:

34 (c) Class D violent felony offenses: an attempt to commit any of the
35 class C felonies set forth in paragraph (b); reckless assault of a child
36 as defined in section 120.02, assault in the second degree as defined in
37 section 120.05, menacing a police officer or peace officer as defined in
38 section 120.18, stalking in the first degree, as defined in subdivision
39 one of section 120.60, strangulation in the second degree as defined in
40 section 121.12, rape in the second degree as defined in section 130.30,
41 a crime formerly defined in section 130.45, sexual abuse in the first
42 degree as defined in section 130.65, course of sexual conduct against a
43 child in the second degree as defined in section 130.80, aggravated
44 sexual abuse in the third degree as defined in section 130.66, facili-
45 tating a sex offense with a controlled substance as defined in section
46 130.90, labor trafficking as defined in paragraphs (a) and (b) of subdi-
47 vision three of section 135.35, criminal possession of a weapon in the
48 third degree as defined in subdivision five, six, seven, eight, nine or
49 ten of section 265.02, criminal sale of a firearm in the third degree as
50 defined in section 265.11, intimidating a victim or witness in the
51 second degree as defined in section 215.16, soliciting or providing
52 support for an act of terrorism in the second degree as defined in
53 section 490.10, and making a terroristic threat as defined in section
54 490.20, falsely reporting an incident in the first degree as defined in
55 section 240.60, placing a false bomb or hazardous substance in the first
56 degree as defined in section 240.62, placing a false bomb or hazardous

1 substance in a sports stadium or arena, mass transportation facility or
2 enclosed shopping mall as defined in section 240.63, aggravated unper-
3 mitted use of indoor pyrotechnics in the first degree as defined in
4 section 405.18, [~~and~~] criminal manufacture, sale, or transport of an
5 undetectable firearm, rifle or shotgun as defined in section 265.50, and
6 animal cruelty in the first degree as defined in subdivision one,
7 two or three of section 280.25.

8 § 12. Section 195.06 of the penal law, as added by chapter 42 of the
9 laws of 1986, is amended to read as follows:

10 § 195.06 Killing or injuring a police animal.

11 A person is guilty of killing or injuring a police animal when such
12 person intentionally kills or injures any animal while such animal is in
13 the performance of its duties and under the supervision of a police or
14 peace officer.

15 Killing or injuring a police animal is a class [~~A misdemeanor~~] D felo-
16 ny.

17 § 13. Section 195.11 of the penal law, as added by chapter 344 of the
18 laws of 1989, is amended to read as follows:

19 § 195.11 Harming an animal trained to aid a person with a disability in
20 the second degree.

21 A person is guilty of harming an animal trained to aid a person with a
22 disability in the second degree when such person intentionally causes
23 physical injury to such animal while it is in the performance of aiding
24 a person with a disability, and thereby renders such animal incapable of
25 providing such aid to such person, or to another person with a disabili-
26 ty.

27 For purposes of this section and section 195.12 of this article, the
28 term "disability" means "disability" as defined in subdivision twenty-
29 one of section two hundred ninety-two of the executive law.

30 Harming an animal trained to aid a person with a disability in the
31 second degree is a class [~~B~~] A misdemeanor.

32 § 14. Section 195.12 of the penal law, as added by chapter 344 of the
33 laws of 1989, is amended to read as follows:

34 § 195.12 Harming an animal trained to aid a person with a disability in
35 the first degree.

36 A person is guilty of harming an animal trained to aid a person with a
37 disability in the first degree when such person:

38 1. intentionally causes physical injury to such animal while it is in
39 the performance of aiding a person with a disability, and thereby
40 renders such animal permanently incapable of providing such aid to such
41 person, or to another person with a disability; or

42 2. intentionally kills such animal while it is in the performance of
43 aiding a person with a disability.

44 Harming an animal trained to aid a person with a disability in the
45 first degree is a class [~~A misdemeanor~~] D felony.

46 § 15. Subdivision 2 of section 265.01 of the penal law, as amended by
47 chapter 146 of the laws of 2019, is amended to read as follows:

48 (2) [~~He or she~~] Such person possesses any dagger, dangerous knife,
49 dirk, machete, razor, stiletto, imitation pistol, undetectable knife or
50 any other dangerous or deadly instrument or weapon with intent to use
51 the same unlawfully against another person or an animal; or

52 § 16. Severability clause. If any clause, sentence, paragraph, subdi-
53 vision, section or part of this act shall be adjudged by any court of
54 competent jurisdiction to be invalid, such judgment shall not affect,
55 impair, or invalidate the remainder thereof, but shall be confined in
56 its operation to the clause, sentence, paragraph, subdivision, section

1 or part thereof directly involved in the controversy in which such judg-
2 ment shall have been rendered. It is hereby declared to be the intent of
3 the legislature that this act would have been enacted even if such
4 invalid provisions had not been included herein.
5 § 17. This act shall take effect on the first of November next
6 succeeding the date on which it shall have become a law.