

STATE OF NEW YORK

7395

2025-2026 Regular Sessions

IN SENATE

April 14, 2025

Introduced by Sen. SCARCELLA-SPANTON -- 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 increasing the penalty for multiple convictions of torturing or failing to provide sustenance to an animal

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

19 2. A second violation of subdivision one of this section within five
20 years from the date of a prior conviction of any violation of subdivi-
21 sion one of this section, shall be a felony. A defendant convicted of
22 this offense shall be sentenced pursuant to paragraph (b) of subdivision
23 one of section 55.10 of the penal law provided, however, that any term

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

LBD02088-01-5

1 of imprisonment imposed for a violation of this section shall be a defi-
2 nite sentence, which may not exceed two years.

3 3. Nothing [~~herein~~] in this section contained shall be construed to
4 prohibit or interfere with any properly conducted scientific tests,
5 experiments or investigations, involving the use of living animals,
6 performed or conducted in laboratories or institutions, which are
7 approved for these purposes by the state commissioner of health. The
8 state commissioner of health shall prescribe the rules under which such
9 approvals shall be granted, including therein standards regarding the
10 care and treatment of any such animals. Such rules shall be published
11 and copies thereof conspicuously posted in each such laboratory or
12 institution. The state commissioner of health or [~~his~~] such commission-
13 er's duly authorized representative shall have the power to inspect such
14 laboratories or institutions to insure compliance with such rules and
15 standards. Each such approval may be revoked at any time for failure to
16 comply with such rules and in any case the approval shall be limited to
17 a period not exceeding one year.

18 § 2. This act shall take effect on the first of December next succeed-
19 ing the date on which it shall have become a law.