

REVISION TO FARM ANIMAL SHELTER LAWS

Overdriving, torturing and injuring animals; failure to provide proper sustenance.

A. TBD - Assembly Member Bores	S. TBD - Senator Addabbo
Co-Sponsors:	Co-Sponsors:
REFERRED TO: Agriculture and Markets	REFERRED TO: Agriculture and Markets



Agriculture and Markets Law, Article 26, section 353 currently states the following:

353. Overdriving, torturing and injuring animals; failure to provide proper sustenance.

A person who overdrives, overloads, 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, or deprives any animal of necessary sustenance, food or drink, or neglects or refuses to furnish it such sustenance or drink, or causes, procures or permits any animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed, or to be deprived of necessary food or drink, or who willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to 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 criminal procedure law, shall be treated as a misdemeanor defined in the penal law.

The proposed revision would add **SHELTER** AS IT IS IN OTHER STATES SUCH AS IOWA, VERMONT, VIRGINIA AND WASHINGTON?

This bill would amend Art. 26, Sec. 353 to include depriving "SHELTER" as an act of cruelty to any animal, or any act tending to produce such cruelty,

A person who overdrives, overloads, 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, or deprives any animal of necessary sustenance, food, drink **or shelter** or neglects or refuses to furnish it such sustenance or drink or causes, procures or permits any animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed, or to be deprived of necessary food, drink or shelter or who willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to 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 criminal procedure law, shall be treated as a misdemeanor of the criminal procedure law, shall be treated as a misdemeanor defined in the penal law.

Shelter in Agriculture and Markets law Article 26 Section 350 could be defined as follows:

Shelter for animals (excluding companion animals) shall be reasonably sufficient to provide adequate protection from the elements and weather conditions suitable for the age and species of the animals so as to maintain the animal in a good state of health. The shelter must protect the animal from sun, rain, snow, sleet or any inclement weather and be made from non-porous, water resistant, nontoxic, and able to withstand regular cleaning and disinfections. The shelter must provide sanitary conditions free from excess animal waste and excess mud and water build up and must have at least three sides and be sturdy so as to not fall over or blow away. The shelter must also include adequate bedding.