



Thursday, April 7, 2011

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Bill No.:

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A02564 Summary:

BILL NO A02564

SAME AS No same as

SPONSOR Clark

COSPNSR

MLTSPNSR

Amd S370, Ag & Mkts L

Prohibits the ownership, possession or harboring of a wild animal or reptile; makes violation a class E felony.

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A02564 Actions:

BILL NO A02564

01/19/2011 referred to agriculture

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A02564 Memo:

BILL NUMBER:A2564

TITLE OF BILL: An act to amend the agriculture and markets law, in relation to prohibiting the ownership, possession or harboring of a wild animal or reptile

PURPOSE OR GENERAL IDEA OF BILL:

SUMMARY OF SPECIFIC PROVISIONS: This bill amends section 370 of the agriculture and markets law, as added by chapter 1047 of the laws of 1965, to prohibit the ownership, possession or harboring of wild animals and reptiles as defined in accordance to paragraph e of subdivision six of section 11-0103 of the environmental conservation law, and to classify violations of section 370 as class E felonies. This bill does not alter existing exemptions in section 11-0512 of the environmental conservation law that allow certain persons and entities to possess wild animals.

JUSTIFICATION: Current law regulates certain ownership of wild animals and reptiles by making owners who fail to exercise due care in safeguarding the public from attack by such animals guilty of a misdemeanor, punishable by up to one year imprisonment and/or a fine of up to \$500. As the recent tragic attack by a wild animal on a woman in Connecticut made clear, however, wild animal owners may not always recognize, under-

stand, or be equipped to adequately handle the physical and behavioral needs of these animals. As a result, owners may not be able to safeguard the public by preventing attack by the animal.

By prohibiting certain ownership of wild animals and by penalizing violations of the law as a felony, this bill will help to ensure the well-being of both wild animals and the public by ensuring wild animals are only owned by persons and entities properly equipped to recognize and meet their physical and behavioral needs.

PRIOR LEGISLATIVE HISTORY:

4/28/09 - A.7935, referred to Agriculture
1/6/10 - A.7935, referred to Agriculture

FISCAL IMPLICATIONS: To be determined.

EFFECTIVE DATE: The first of November next succeeding the date on which it becomes law.

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A02564 Text:

S T A T E O F N E W Y O R K

2564

2011-2012 Regular Sessions

I N A S S E M B L Y

January 19, 2011

Introduced by M. of A. CLARK -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to prohibiting the ownership, possession or harboring of a wild animal or reptile

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 370 of the agriculture and markets law, as added by
2 chapter 1047 of the laws of 1965, is amended to read as follows:
3 S 370. [Protection of the public from attack by] PROHIBITION OF THE
4 OWNERSHIP, POSSESSION OR HARBORING OF wild animals and reptiles. Any
5 person owning, possessing or harboring a wild animal or reptile capable
6 of inflicting bodily harm upon a human being[, who shall fail to exer-
7 cise due care in safeguarding the public from attack by such wild animal
8 or reptile,] is guilty of a [misdemeanor, punishable by imprisonment for
9 not more than one year, or by a fine of not more than five hundred
10 dollars, or by both] CLASS E FELONY AS DEFINED BY THE PENAL LAW. FOR
11 THE PURPOSES OF THIS SECTION, "[Wild] WILD animal" [within the meaning
12 of this section, shall not include a dog or cat or other domestic
13 animal] IS DEFINED IN ACCORDANCE TO PARAGRAPH E OF SUBDIVISION SIX OF
14 SECTION 11-0103 OF THE ENVIRONMENTAL CONSERVATION LAW.
15 Previous attacks upon a human being by such wild animal or reptile, or
16 knowledge of the vicious propensities of such wild animal or reptile, on
17 the part of the possessor or harbinger thereof, shall not be required to
18 be proven by the people upon a prosecution hereunder; and neither the
19 fact that such wild animal or reptile has not previously attacked a
20 human being, nor lack of knowledge of the vicious propensities of such
21 wild animal or reptile on the part of the owner, possessor or harbinger
22 thereof shall constitute a defense to a prosecution hereunder.
23 S 2. This act shall take effect on the first of November next succeed-
24 ing the date on which it shall have become a law.

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

LBD06639-01-1

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