

REVISION TO FARM ANIMAL SHELTER LAWS

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

A. TBD - Assembly Member	S. TBD - Senator
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:
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 as follows: “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 ...”

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

For any animals that are confined in any manner outdoors in inclement weather, a shelter which must (1) have a waterproof roof, (2) be structurally sound appropriate to local climate conditions and protect animals from inclement weather, including direct sunlight at all times when exposure to sunlight could cause extreme discomfort and is likely to threaten the health of the animal, (3) be constructed to allow each animal adequate freedom of movement to make normal postural adjustments, including the ability to stand up, turn around and lie down with its' limbs outstretched and (4) allow for effective removal of excretion, other waste material; dirt and trash. The shelter and area surrounding it shall be regularly cleaned to maintain a healthy and sanitary environment and to minimize health hazards. Inadequate shelter may be indicated by the appearance of the housing facility itself, including but not limited to size, structural soundness, evidence of crowding within the housing facility, or by appearance and physical condition of the animal(s) being housed.

