

# STATE OF NEW YORK

10767--A

## IN ASSEMBLY

April 20, 2006

Introduced by M. of A. ROSENTHAL, ENGLEBRIGHT, CARROZZA, LUPARDO, GRAN-  
NIS, GALEF, HEVESI, DINOWITZ, PAULIN, EDDINGTON, COLTON -- Multi-Spon-  
sored by -- M. of A. BING, GLICK, GORDON, GOTTFRIED, HOYT, LATIMER,  
MAGEE, MAISEL, MARKEY, PHEFFER, J. RIVERA, SWEENEY, WEISENBERG, WRIGHT  
-- read once and referred to the Committee on Judiciary -- reported  
and referred to the Committee on Codes -- committee discharged, bill  
amended, ordered reprinted as amended and recommitted to said commit-  
tee

AN ACT to amend the family court act and the criminal procedure law, in  
relation to companion animals being protected under the provisions of  
a court order of protection

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Subdivision 1 of section 352.3 of the family court act, as  
2 added by chapter 683 of the laws of 1984, is amended to read as follows:  
3 (1) Upon the issuance of an order pursuant to section 315.3 or the  
4 entry of an order of disposition pursuant to section 352.2, a court may  
5 enter an order of protection against any respondent for good cause  
6 shown. The order may require that the respondent: (a) stay away from the  
7 home, school, business or place of employment of the victims of the  
8 alleged offense; or (b) refrain from harassing, intimidating, threaten-  
9 ing or otherwise interfering with the victim or victims of the alleged  
10 offense and such members of the family or household of such victim or  
11 victims as shall be specifically named by the court in such order; or  
12 (c) refrain from intentionally injuring or killing, without justifica-  
13 tion, any companion animal the respondent knows to be owned, possessed,  
14 leased, kept or held by the petitioner or a minor child residing in the  
15 household. "Companion animal", as used in this subdivision, shall have  
16 the same meaning as in subdivision five of section three hundred fifty  
17 of the agriculture and markets law.  
18 § 2. Subdivision (h) of section 446 of the family court act is relet-  
19 tered subdivision (i) and a new subdivision (h) is added to read as  
20 follows:

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

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1 (h) 1. to refrain from intentionally injuring or killing, without  
2 justification, any companion animal the respondent knows to be owned,  
3 possessed, leased, kept or held by the petitioner or a minor child  
4 residing in the household.

5 2. "Companion animal", as used in this section, shall have the same  
6 meaning as in subdivision five of section three hundred fifty of the  
7 agriculture and markets law.

8 § 3. Subdivision (i) of section 551 of the family court act is relet-  
9 tered subdivision (j) and a new subdivision (i) is added to read as  
10 follows:

11 (i) 1. to refrain from intentionally injuring or killing, without  
12 justification, any companion animal the respondent knows to be owned,  
13 possessed, leased, kept or held by the petitioner or a minor child  
14 residing in the household.

15 2. "Companion animal", as used in this section, shall have the same  
16 meaning as in subdivision five of section three hundred fifty of the  
17 agriculture and markets law.

18 § 4. Subdivision (i) of section 656 of the family court act is relet-  
19 tered subdivision (j) and a new subdivision (i) is added to read as  
20 follows:

21 (i) 1. to refrain from intentionally injuring or killing, without  
22 justification, any companion animal the respondent knows to be owned,  
23 possessed, leased, kept or held by the petitioner or a minor child  
24 residing in the household.

25 2. "Companion animal", as used in this section, shall have the same  
26 meaning as in subdivision five of section three hundred fifty of the  
27 agriculture and markets law.

28 § 5. Subdivision (h) of section 759 of the family court act is relet-  
29 tered subdivision (i) and a new subdivision (h) is added to read as  
30 follows:

31 (h) 1. to refrain from intentionally injuring or killing, without  
32 justification, any companion animal the respondent knows to be owned,  
33 possessed, leased, kept or held by the petitioner or a minor child  
34 residing in the household.

35 2. "Companion animal", as used in this section, shall have the same  
36 meaning as in subdivision five of section three hundred fifty of the  
37 agriculture and markets law.

38 § 6. Subdivision (i) of section 842 of the family court act is relet-  
39 tered subdivision (j) and a new subdivision (i) is added to read as  
40 follows:

41 (i) 1. to refrain from intentionally injuring or killing, without  
42 justification, any companion animal the respondent knows to be owned,  
43 possessed, leased, kept or held by the petitioner or a minor child  
44 residing in the household.

45 2. "Companion animal", as used in this section, shall have the same  
46 meaning as in subdivision five of section three hundred fifty of the  
47 agriculture and markets law.

48 § 7. Paragraph (g) of subdivision 1 of section 1056 of the family  
49 court act is relettered paragraph (h) and a new paragraph (g) is  
50 added to read as follows:

51 (g) 1. to refrain from intentionally injuring or killing, without  
52 justification, any companion animal the respondent knows to be owned,  
53 possessed, leased, kept or held by the petitioner or a minor child  
54 residing in the household.

1 2. "Companion animal", as used in this section, shall have the same  
 2 meaning as in subdivision five of section three hundred fifty of the  
 3 agriculture and markets law.

4 § 8. Paragraph (e) of subdivision 1 of section 530.12 of the criminal  
 5 procedure law, as added by chapter 483 of the laws of 1995, is amended  
 6 and a new paragraph (f) is added to read as follows:

7 (e) to permit a designated party to enter the residence during a spec-  
 8 ified period of time in order to remove personal belongings not in issue  
 9 in this proceeding or in any other proceeding or action under this chap-  
 10 ter, the family court act or the domestic relations law[+];

11 (f) 1. to refrain from intentionally injuring or killing, without  
 12 justification, any companion animal the defendant knows to be owned,  
 13 possessed, leased, kept or held by the victim or a minor child residing  
 14 in the household.

15 2. "Companion animal", as used in this section, shall have the same  
 16 meaning as in subdivision five of section three hundred fifty of the  
 17 agriculture and markets law.

18 § 9. Paragraph (b) of subdivision 1 and paragraph (b) of subdivision 4  
 19 of section 530.13 of the criminal procedure law, paragraph (b) of subdi-  
 20 vision 1 as amended by chapter 794 of the laws of 1986 and paragraph (b)  
 21 of subdivision 4 as amended by chapter 620 of the laws of 1986, are  
 22 amended and a new paragraph (c) is added to subdivisions 1 and 4 to read  
 23 as follows:

24 (b) refrain from harassing, intimidating, threatening or otherwise  
 25 interfering with the victims of the alleged offense and such members of  
 26 the family or household of such victims or designated witnesses as shall  
 27 be specifically named by the court in such order[+];

28 (c) 1. to refrain from intentionally injuring or killing, without  
 29 justification, any companion animal the defendant knows to be owned,  
 30 possessed, leased, kept or held by such victim or victims or a minor  
 31 child residing in such victim's or victims' household.

32 2. "Companion animal", as used in this section, shall have the same  
 33 meaning as in subdivision five of section three hundred fifty of the  
 34 agriculture and markets law.

35 (b) refrain from harassing, intimidating, threatening or otherwise  
 36 interfering with the victim or victims of the offense and such members  
 37 of the family or household of such victim or victims as shall be specif-  
 38 ically named by the court in such order[+];

39 (c) 1. to refrain from intentionally injuring or killing, without  
 40 justification, any companion animal the defendant knows to be owned,  
 41 possessed, leased, kept or held by such victim or victims or a minor  
 42 child residing in such victim's or victims' household.

43 2. "Companion animal", as used in this section, shall have the same  
 44 meaning as in subdivision five of section three hundred fifty of the  
 45 agriculture and markets law.

46 § 10. This act shall take effect immediately.

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**NEW YORK STATE SENATE**  
**INTRODUCER'S MEMORANDUM IN SUPPORT**  
**submitted in accordance with Senate Rule VI. Sec 1**

BILL NUMBER: A10767-A

SPONSOR: ROSENTHAL

**TITLE OF BILL:**

An act to amend the family court act and the criminal procedure law, in relation to companion animals being protected under the provisions of a court order of protection

**PURPOSE:**

The subject bill provides that pets may be included in orders of protection in certain circumstances.

**JUSTIFICATION:**

Increasing interest has been focused on the problem of domestic violence and its connection with animal abuse. Often abusers, in an effort to control and threaten their partners, harm or kill their pets. These attempts have the effect of depriving domestic violence victims of the only comfort and companionship in their lives and ratcheting up the fear of their abusers. This legislation will include in the court order of protection that a defendant refrain from intentionally injuring or killing, without justification a companion animal owned, possessed, leased, kept or held by the petitioner or a minor child residing in the household.

**LEGISLATIVE HISTORY:**

None.

**FISCAL IMPLICATIONS:**

None.

**EFFECTIVE DATE:**

Immediately.

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