

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

7935

2009-2010 Regular Sessions

I N A S S E M B L Y

April 28, 2009

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
prohib-
iting the ownership, possession or harboring of a wild animal
or
reptile

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND
ASSEM-
BLY, 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 harborer 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
harborer
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.

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