

**NEW YORK STATE ASSEMBLY
MEMORANDUM IN SUPPORT OF LEGISLATION
submitted in accordance with Assembly Rule III, Sec 1(f)**

BILL NUMBER: A9150

SPONSOR: Berger

TITLE OF BILL:

An act to amend the penal law, the agriculture and markets law, the education law and the administrative code of the city of New York, in relation to the crime of aggravated cruelty to animals; and to repeal section 353-a of the agriculture and markets law relating thereto

PURPOSE OR GENERAL IDEA OF BILL:

To strengthen protections for companion animals by relocating the aggravated cruelty to animals statute in the Agriculture and Markets law to the Penal law, making aggravated cruelty a class E violent felony offense under the Penal law.

SUMMARY OF PROVISIONS:

Section 1 of the bill repeals Agriculture and Markets Law § 353-a.

Section 2 of the bill creates a new Penal Law Article 243, "Offenses Against Animals," which does the following: defines "aggravated cruelty," "companion animal," and "farm animal," and establishes the crime of aggravated cruelty to animals, making it a class E felony when a person intentionally kills or causes serious physical injury to a companion animal with aggravated cruelty and without justifiable purpose.

Section 3 of the bill adds aggravated cruelty to animals to the list of class E violent felony offenses under Penal Law § 70.02.

Sections 4-6 of the bill make conforming amendments to Agriculture and Markets Law § 374, Education Law § 6714, and the NYC Administrative Code to update references.

Section 7 of the bill provides the effective date.

JUSTIFICATION:

New York first criminalized aggravated cruelty to animals in 1999. However, the statute has remained within the Agriculture and Markets Law rather than the Penal Law, limiting its recognition and enforcement. This bill modernizes and strengthens New York's commitment to animal welfare by (1) relocating aggravated cruelty to the Penal Law, signaling its seriousness alongside other violent crimes; (2) classifying aggravated cruelty to animals as a violent felony offense, ensuring stronger sentencing, predicate felony treatment, and broader prosecutorial tools; (3) clarifying statutory definitions and preserving exemptions for lawful hunting, fishing, farming, public health, and scientific research

activities.

Addressing aggravated cruelty to animals is not only a matter of protecting animal welfare; research and experience in law enforcement demonstrate a strong connection between cruelty to animals and violence toward people. A 2021 article in the FBI's Law Enforcement Bulletin emphasized that animal abuse is often a predictive or co-occurring crime with violence against humans and is associated with other violent offenses. The National Sheriffs' Association has likewise reported high overlap between households experiencing child abuse and incidents of animal cruelty. By updating this law, New York affirms that intentional acts of extreme cruelty against animals are violent crimes that endanger both animals and communities.

PRIOR LEGISLATIVE HISTORY:

New Bill.

FISCAL IMPLICATIONS FOR STATE AND LOCAL GOVERNMENTS:

None.

EFFECTIVE DATE:

This act shall take effect immediately.

STATE OF NEW YORK

9150

2025-2026 Regular Sessions

IN ASSEMBLY

October 17, 2025

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

AN ACT to amend the penal law, the agriculture and markets law, the education law and the administrative code of the city of New York, in relation to the crime of aggravated cruelty to animals; and to repeal section 353-a of the agriculture and markets law relating thereto

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

1 Section 1. Section 353-a of the agriculture and markets law is
2 REPEALED.

3 § 2. The penal law is amended by adding a new article 243 to read as
4 follows:

ARTICLE 243
OFFENSES AGAINST ANIMALS

Section 243.00 Definitions.

243.05 Aggravated cruelty to animals.

§ 243.00 Definitions.

For purposes of this article,

1. "Aggravated cruelty" shall mean conduct which: (a) is intended to cause extreme physical pain; or (b) is done or carried out in an especially depraved or sadistic manner.

2. "Companion animal" shall mean any dog or cat, and shall also mean any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal. "Companion animal" shall not include a "farm animal" as defined in this section.

3. "Farm animal" shall mean any ungulate, poultry, species of cattle, sheep, swine, goats, llamas, horses or fur-bearing animals, as defined in section 11-1907 of the environmental conservation law, which are raised for commercial or subsistence purposes. Fur-bearing animal shall not include dogs or cats.

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

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1 § 243.05 Aggravated cruelty to animals.2 1. A person is guilty of aggravated cruelty to animals when, with no
3 justifiable purpose, such person intentionally kills or intentionally
4 causes serious physical injury to a companion animal with aggravated
5 cruelty.6 2. Nothing contained in this section shall be construed to prohibit or
7 interfere in any way with anyone lawfully engaged in hunting, trapping,
8 or fishing, as provided in article eleven of the environmental conserva-
9 tion law, the dispatch of rabid or diseased animals, as provided in
10 article twenty-one of the public health law, or the dispatch of animals
11 posing a threat to human safety or other animals, where such action is
12 otherwise legally authorized, or any properly conducted scientific
13 tests, experiments, or investigations involving the use of living
14 animals, performed or conducted in laboratories or institutions approved
15 for such purposes by the commissioner of health pursuant to section
16 three hundred fifty-three of the agriculture and markets law.17 3. Aggravated cruelty to animals is a class E felony.18 § 3. Paragraph (d) of subdivision 1 of section 70.02 of the penal law,
19 as amended by chapter 7 of the laws of 2007, is amended to read as
20 follows:21 (d) Class E violent felony offenses: an attempt to commit any of the
22 felonies of criminal possession of a weapon in the third degree as
23 defined in subdivision five, six, seven or eight of section 265.02 as a
24 lesser included offense of that section as defined in section 220.20 of
25 the criminal procedure law, persistent sexual abuse as defined in
26 section 130.53, aggravated sexual abuse in the fourth degree as defined
27 in section 130.65-a, falsely reporting an incident in the second degree
28 as defined in section 240.55 [and], placing a false bomb or hazardous
29 substance in the second degree as defined in section 240.61, and aggravated
30 cruelty to animals as defined in section 243.05.31 § 4. Paragraph a of subdivision 8 of section 374 of the agriculture
32 and markets law, as amended by chapter 594 of the laws of 2003 and as
33 renumbered by chapter 479 of the laws of 2009, is amended to read as
34 follows:35 a. In addition to any other penalty provided by law, upon conviction
36 for any violation of section three hundred fifty-one, three hundred
37 fifty-three, [three hundred fifty-three-a,] three hundred fifty-three-b,
38 three hundred fifty-five, three hundred fifty-six, three hundred fifty-
39 nine, three hundred sixty, three hundred sixty-one, three hundred
40 sixty-five or three hundred sixty-eight of this article or section
41 243.05 of the penal law, the convicted person may, after a duly held
42 hearing pursuant to paragraph f of this subdivision, be ordered by the
43 court to forfeit, to a duly incorporated society for the prevention of
44 cruelty to animals or a duly incorporated humane society or authorized
45 agents thereof, the animal or animals which are the basis of the
46 conviction. Upon such an order of forfeiture, the convicted person shall
47 be deemed to have relinquished all rights to the animals which are the
48 basis of the conviction, except those granted in paragraph d of this
49 subdivision.50 § 5. Paragraph (a) of subdivision 2 of section 6714 of the education
51 law, as amended by chapter 546 of the laws of 2021, is amended to read
52 as follows:53 (a) When a veterinarian reasonably and in good faith suspects that a
54 companion animal's injury, illness or condition is the result of animal
55 cruelty in violation of section three hundred fifty-one[.] or three
56 hundred fifty-three [or three hundred fifty-three-a] of the agriculture

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1 and markets law or section 243.05 of the penal law, the veterinarian
2 shall report the incident and disclose records concerning the companion
3 animal's condition and treatment to any officer or agent authorized
4 pursuant to sections three hundred seventy-one and three hundred seven-
5 ty-three of the agriculture and markets law to respond to and investi-
6 gate complaints of animal cruelty. The identity of such veterinarian
7 making a report pursuant to this paragraph shall only be made available
8 to an officer or agent authorized pursuant to section three hundred
9 seventy-one or three hundred seventy-three of the agriculture and
10 markets law.

11 § 6. Paragraph 3 of subdivision a of section 17-1601 of the adminis-
12 trative code of the city of New York, as amended by local law number 4
13 of the city of New York for the year 2014, is amended to read as
14 follows:

15 3. aggravated cruelty to animals, as defined in section [~~three hundred~~
16 ~~fifty three-a~~] 243.05 of the [~~agriculture and markets~~] penal law;

17 § 7. This act shall take effect immediately.

A 9150 Berger Same as S 8581 COMRIE

Penal Law

TITLE....Makes aggravated cruelty to animals a class E
felony; repealer

10/17/25 referred to agriculture

S8581 COMRIE Same as A 9150 Berger

ON FILE: 11/14/25 Penal Law

TITLE....Makes aggravated cruelty to animals a class E
felony; repealer

11/14/25 REFERRED TO RULES

BERGER, MCDONALD, KAY, PAULIN, CONRAD

Rpld §353-a, amd §374, Ag & Mkts L; add Art 243 §§243.00 - 243.05, amd §70.02, Pen L; amd §6714, Ed L;
amd §17-1601, NYC Ad Cd

Makes aggravated cruelty to animals a class E violent felony offense; defines terms; makes technical changes.
CRIMINAL SANCTION IMPACT.
