REPORT ON LEGISLATION BY THE ANIMAL LAW COMMITTEE

A.277
M. of A. Rosenthal

AN ACT to amend the Agriculture and Markets Law to in relation to establishing a task force on animal laws; and providing for the repeal of such provisions upon expiration thereof.

THIS LEGISLATION IS APPROVED

SUMMARY OF PROPOSED LAW

The proposed legislation (A.277)\(^1\) would amend the Agriculture and Markets Law to create a task force to examine, evaluate, and determine how to improve both the relationship between animals and humans as well as the animal protection laws (the “task force”). The task force would consist of fifteen members with expertise in animal abuse, investigation, and/or animals, each to serve for a term of one calendar year. The task force would:

- study laws, rules, and regulations governing animals, including but not limited to companion animals, farm animals or animals raised for food producing purposes, wildlife and animals used in entertainment, research or experimentation or any other field that governs the use or treatment of animals;\(^2\)

- study laws, rules, and regulations governing the operations of duly incorporated societies for the prevention of cruelty, duly incorporated humane societies, pounds, shelters, municipal or otherwise, and pet dealers;

- recommend ways by which to modernize the laws governing animals; and

- submit preliminary and final reports of its findings, conclusions, recommendations, and previous actions, as well as legislative proposals, to the governor and the legislature within one year and two years of the effective date of the law, respectively.

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\(^1\) The full text of the bill is available at https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A00277&term=2019&Summary=Y&Text=Y. (All websites last visited January 24, 2019.)

\(^2\) Guide, hearing, service, assistance, and therapy animals are not included in the task force’s jurisdiction.
JUSTIFICATION

The Animal Law Committee supports the creation of a task force to examine, evaluate, and determine how to improve both the relationship between animals and humans as well as the animal protection law. The Animal Legal Defense Fund ranked New York State in the lower half of U.S. states and jurisdictions based on the weakness of its animal protection laws compared to other states.³ There is thus an especially critical need to review how animal protection laws in New York State are currently enforced in different jurisdictions in order to determine how to more effectively protect animals.

According to a 2010 nationwide survey by the American Society for the Prevention of Cruelty to Animals (ASPCA), 81% of law enforcement professionals said that they received no formal training about animal crimes; only 41% said they are familiar with their jurisdiction’s animal cruelty laws; and less than 30% were familiar with the penalties for animal crimes.⁴ Within New York State, many police academy graduates finish their training with minimal understanding of how to handle an animal crimes case, partly because New York’s animal crimes statutes are located in the Agriculture and Markets Law instead of the Penal Law.⁵ This lack of training is likely partially responsible for an under-enforcement of animal crimes in New York State.

Investigation and enforcement of animal cruelty cases vary by location within New York State. Some jurisdictions use specialized—and sometimes unfunded—humane law enforcement to conduct investigations and to enforce anti-cruelty laws in one to several counties, while other jurisdictions rely on traditional law enforcement such as police departments and prosecution agencies.⁶ Additionally, some localities are well-funded and use sophisticated strategies to address animal abuse, while others lack adequate staffing and technology.⁷

For example, in New York City, the ASPCA was the primary animal crimes enforcement organization prior to January 2014, when the New York City Police Department took over the

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⁶ Section 371 of the Agriculture and Markets Law authorizes the police and societies for the prevention of cruelty to animals (SPCAs) to enforce violations of the state animal cruelty law, Article 26 of the Agriculture and Markets Law, N.Y. Agric. & Mkts. Law § 371.

role of animal cruelty investigations and enforcement. Similarly, in February 2015, the Columbia-Greene County SPCA began asking the public to report animal cruelty to the police instead of to the SPCA due in part to the fact that the SPCA has only three part-time animal cruelty investigators. In Nassau County, the Nassau County SPCA enforces the animal cruelty laws. In Suffolk County, the Suffolk County SPCA enforces the animal cruelty laws. In Monroe, Orleans, Genesee, and Livingston counties, the Humane Society of Greater Rochester enforces animal cruelty laws—it has only five peace officers and receives no government funding. The Finger Lakes SPCA receives no government funding and has no cruelty investigator currently on staff, and the Ulster County SPCA also receives no government funding for its humane enforcement activities.

Prosecution of animal cruelty also varies by jurisdiction in New York State. Some district attorneys assign animal crime prosecutions to attorneys without a specialty in animal crimes. Other county prosecutors have initiated specialized units to deal with animal cruelty, including the Queens County District Attorney Animal Cruelty Prosecution Unit, the Richmond County District Attorney Animal Cruelty Prosecution Unit, the Nassau County Animal Crimes Unit, 

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16 This unit was established in January 2016 to work closely with the New York City Police Department’s Animal Cruelty Investigations Squad to investigate animal cruelty, abuse, and neglect in Queens County. Press Release, Queens County District Attorney’s Office, Queens District Attorney Richard A. Brown Establishes Animal Cruelty Prosecutions Unit (Jan. 11, 2016), http://www.queensda.org/newpressreleases/2016/JAN%202016/animal%20cruelty%20unit_01_2016.pdf.
the Westchester County District Attorney Animal Cruelty Unit, the Albany County District Attorney Animal Cruelty Taskforce, and the Essex County Animal Cruelty Task Force.

At the state level, the New York State Attorney General launched the Animal Protection Initiative on May 1, 2013. This initiative was aimed at certain, but not all, animal-related crimes in New York State, such as shutting down animal fighting rings, ensuring compliance with New York State’s Pet Lemon Law, charging those who abuse or neglect animals, and cracking down on the abuses of so-called “puppy mills.” The initiative is comprised of state investigators and attorneys from the Attorney General’s regional offices, specifically the Consumer Fraud Bureau, the Criminal Prosecutions Bureau, the Organized Crime Task Force and the Investigations Bureau.

In recent years, the following states have established animal crimes task forces to review existing animal-related laws, identify enforcement problems, and make recommendations:

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17 The establishment of the unit was announced in 2016; it has a purpose “to investigate and prosecute crimes against animals, to highlight and increase awareness of animal abuse, to educate the community about available resources and programs that could prevent neglect, abuse, and injury to animals, and to develop and facilitate relationships with Staten Islanders and local veterinarians to encourage the reporting of animal abuse by speaking for those who have no voice.” Richmond County District Attorney’s Office, https://statenislandda.org/who-we-are; ASPCA, Staten Island District Attorney Establishes Animal Cruelty Prosecutions Unit (Apr. 14, 2016), https://www.aspca.org/news/staten-island-district-attorney-establishes-animal-cruelty-prosecutions-unit.


20 The task force was formed in August 2013 with a mission to “utilize a multi-agency response to animal abuse, neglect, and hoarding cases, as well as combine law enforcement prevention efforts and public education outreach. Albany County District Attorney’s Office Animal Cruelty Taskforce, Animal Abuse Prevention Starts with You, http://albanyda-animaltaskforce.squarespace.com.

21 The task force was established in 2012 with a mission “to ensure the safety and welfare of companion and farm animals in Essex County” and to “improve upon the prevention, identification, and prosecution of animal cruelty by recommending appropriate and clear legislation, by facilitating training of all involved, and by recommending the necessary resources to assist domestic animals in serious danger.” Minutes of the Essex County, NY Public Safety Committee (Mar. 11, 2013), https://www.co.essex.ny.us/BdOfSupervisors/Minutes/2013_20_20130311_Public%20Safety%20Committee%203-11-2013.htm.


23 Id.

24 Id.
• Illinois Governor Pat McQuinn established the Illinois Pet Advocacy Task Force to “study issues of animal cruelty, neglect, and abuse and make recommendations that will ensure proper treatment and care of Illinois pets” in 2014.  

• Massachusetts established the Massachusetts Animal Cruelty and Protection Task Force to “complete a systematic review of the laws pertaining to animal cruelty and protection” in 2014. The Task Force presented its findings in 2016.  

• New Hampshire established the Governor’s Task Force for the Humane Treatment of Animals, in 2004 and re-established it in 2006 and 2014. The Task Force is required to, among other things, prepare a biennial report suggesting legislation necessary to ensure the safety and welfare of domestic animals.  

• New Jersey Governor James E. McGreevey signed an Executive Order in 2002 creating the Animal Welfare Task Force to, among other things, “[r]ecommend changes to the laws and regulations of this State so as to protect the State’s animals from inhumane treatment, improve the enforcement of anti-cruelty laws, and address the problem of unwanted and euthanized animals in the State.” The Task Force presented its findings in 2004.  

• Vermont established the Vermont Animal Cruelty Task Force to “evaluate the state of animal cruelty investigation and response in Vermont, including the resources devoted to animal investigation and response services and to recommend ways to consolidate, collaborate, or reorganize to use more effectively limited resources while improving the response to animal cruelty” in 2015. The Task Force presented its findings in 2016.  

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26 MASS. GEN. LAWS ch. 293, § 5 (2014).  


29 Id.  


In addition to studying how animal protection laws concerning cruelty are enforced, New York’s task force would also consider how laws could improve the relationship between humans and nonhuman animals with respect to companion animals, farmed animals, service animals, wildlife, animals used in research, animals used in entertainment, and other fields involving the use of nonhuman animals by humans. The Animal Law Committee has commented on many bills concerning these issues over these years and we welcome the formation of a task force that takes a comprehensive approach to studying the relationship between humans and nonhuman animals. We think that a comprehensive approach is useful because, currently, many laws concerning animals offer protection on an arbitrary basis. For example, the law prohibiting aggravated cruelty to animals does not apply to wildlife, even though there is little or no difference in the way that domesticated and wild animals experience cruelty at the hands of humans.

CONCLUSION

For the above reasons, the New York City Bar Association’s Animal Law Committee supports the proposed legislation.

Animal Law Committee
Christopher Wlach, Chair

Updated January 2019

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34 For a list of the Animal Law Committee’s published reports, see https://www.nycbar.org/member-and-career-services/committees/animal-law-committee.