AN ACT to amend the executive law, in relation to establishing the animal abuse hotline.

THIS LEGISLATION IS SUPPORTED WITH RECOMMENDATIONS

I. SUMMARY OF THE PROPOSED LEGISLATION

The proposed legislation\(^1\) would amend New York’s Executive Law to require the New York State Attorney General to establish a 24-hour toll-free hotline for reporting animal abuse. The Attorney General would administer the hotline directly\(^2\) or else designate a non-governmental organization specializing in animal protection to administer it. When the hotline receives any allegation that could reasonably constitute a reportable incident, the hotline must accept and immediately transmit notice of the report orally and electronically to any appropriate state agencies, local law enforcement agency or non-governmental organization specializing in animal protection.

The proposed legislation would take effect 180 days after enactment.

II. REASONS FOR SUPPORT

The New York City Bar Association’s Animal Law Committee supports the proposed legislation because an animal abuse hotline makes it easier to report, and potentially stop, animal abuse.

Reporting animal abuse is key to ending it.\(^3\) Reporting is particularly important in the case of animals, as they cannot speak for themselves. Further, many abused companion animals spend

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\(^1\) A.5642, the Assembly bill, is available at https://nyassembly.gov/leg/?default_fld=&leg_video=&bn=A05642&term=2021&Summary=Y&Text=Y. (All websites cited in this report were last visited on March 5, 2021.)

\(^2\) This is implicit in the bill’s text, as the Attorney General’s authority to designate a non-governmental organization is discretionary; it need not designate one at all.

their lives in private settings, often under the same roof as their abusers, who cannot be depended on to report their own cruelty. And while veterinarians can play a critical role in identifying cruelty, New York does not currently require them to report suspected cruelty to the authorities. Not surprisingly, animal cruelty is underreported.

Given the limited number of potential reporters, it is essential that those few in a position to report be able to do so easily. Yet across New York’s 62 counties, there are more than 120 different phone numbers for reporting animal cruelty. And although both the New York Attorney General’s website and the ASPCA offer help in locating one’s local Society for the Prevention of Cruelty to Animals (SPCA) — as does the New York City Bar Association’s Animal Law Committee, in its Guide to Reporting Suspected Animal Cruelty or Neglect in New York State — it may still be difficult for those with incidents to report to track down the appropriate entity to contact. Even where one has the right contact information, certain SPCAs may be open only during business hours.

A 24-hour statewide hotline for reporting animal cruelty would provide a one-step process for reporting animal cruelty at any time. By creating such a hotline, the proposed legislation potentially helps stop animal abuse.

L.J. 253, 276-77 (1999), https://digitalcommons.law.buffalo.edu/cgi/viewcontent.cgi?article=1087&context=belj ("[I]n order for authorities to be alerted to the existence of cruelty at any given puppy mill, complaints must be made by people aware of the atrocities being committed.").


Note 7 above.

See, e.g., Alleghany County SPCA, https://spcaallegany.org/.

Curtailing animal abuse may, in turn, help prevent interpersonal violence. Numerous studies have demonstrated the connection between animal maltreatment and interpersonal violence, including child abuse, elder abuse, and domestic violence — a connection widely known as “the link.” See generally Allie Philips, Understanding the Link Between Violence to Animals and People: A Guidebook for Criminal Justice Professionals (Jun. 2014), https://ndaa.org/wp-content/uploads/The-Link-Monograph-2014-3.pdf; see also Clifton P. Flynn, Understanding
III. RECOMMENDATION

We recommend the following change to Section 2 of the bill:

When any allegation that could reasonably constitute a reportable incident—animal abuse or neglect—is received by the hotline, the hotline shall accept and immediately transmit notice of the report orally and electronically to any appropriate state agencies, local law enforcement agency or non-governmental organization specializing in animal protection.

New York’s Executive Law — where this language would live — defines “reportable incident” as having the same meaning as in Section 488(1) of New York’s Social Services Law. Yet that definition relates to human-related conduct that mandated reporters must report to New York’s Vulnerable Persons Central Register; it has no meaning with respect to animals.

We accordingly recommend that the hotline transmit “any allegation that could reasonably constitute animal abuse or neglect,” rather than “any allegation that could reasonably constitute a reportable incident.”

IV. CONCLUSION

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

Animal Law Committee
Christopher Wlach, Chair

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