



NEW YORK STATE SENATOR

Andrew J. Lanza

Malliotakis, Lanza Introduce Legislative Package Addressing Animal Cruelty

ANDREW J LANZA April 30, 2015



Assemblywoman Nicole Malliotakis, (R,C,I-Brooklyn/Staten Island) and State Senator Andrew Lanza (R,C,I-Staten Island) have introduced a package of bills that closes legal loopholes and would increase penalties for committing cruelty toward animals.

The legislation was authored in consultation with District Attorney Dan Donovan (R,C,I-Staten Island), predicated on a November 2014 incident where a three-year-old dog identified as “Charlotte” was found on the side of the road, physically injured after being thrown from a

car window.

The first bill would establish the crime of aggravated cruelty to an animal where a person uses a weapon to cause extreme physical pain or serious physical injury to the animal. This is in line with the crime of Assault in the Second Degree, which elevates the charge when one person uses a weapon to injure another.

A second bill would create an additional means to establish the crime of aggravated cruelty to animals where a person has been convicted of animal cruelty in the past. According to the American Prosecutors Research Institute (APRI), it is well substantiated that those who have a history of repeated acts of intentional violence toward animals are at a higher risk of exhibiting similar violence toward human beings. APRI also cites a large and growing body of literature that has documented the co-occurrence of animal cruelty and interpersonal violence, particularly domestic violence, child abuse, and elder abuse.

The lawmakers have also introduced a bill that would broaden the existing statute regarding aggravated cruelty to animals to cover all animals, rather than just “companion animals”.

Animals killed by hunters, animals killed in emergency situations, and livestock would not be affected by this legislation because the existing law only covers conduct “with no justifiable purpose” – language which is not altered by this legislation.

Legislation has also been introduced that would elevate the penalty for killing an animal while exhibiting cruelty toward that animal. Currently, the penalties are the same for causing serious physical injury and causing death to an animal. According to this new legislation, the penalty should be more severe if the animal is killed by the conduct exhibited by the defendant.

Finally, Malliotakis and Lanza have introduced a fifth bill that would create an additional means to establish the crime of aggravated cruelty to animals where a person injures or kills an animal due to behavior evincing a depraved indifference to the life of the animal.

Because most cases have to be proven circumstantially, issues often arise regarding proof that the defendant possessed intent to cause the injury. Similar to other criminal statutes, such as Murder in the Second Degree, there should be different types of offenses relating to animal cruelty laws that take into account the defendant's mens rea at the time of the offense. Thus, instead of requiring prosecution to prove intent for the felony charge, this would allow them to find an aggravating factor where the conduct was not intentional, but reckless or depraved.

“As an animal lover and owner of two dogs, I will do everything I can to prevent animal cruelty, but you don’t need to feel some special affection toward animals to take issue with such unsettling behavior. Animal cruelty is often evidence of deeper, more serious issues within the person committing the crime that have led to similar crimes against humans. Oftentimes, these crimes against the defenseless result in merely a slap on the wrist. This package of legislation will go a long way in protecting defenseless creatures, properly punishing those who seek to harm them and prevent them from committing similar acts again,” said Assemblywoman Malliotakis.

“Cruelty to our beloved pets – who cannot speak for themselves and often cannot protect themselves from the sick people who abuse them – is something that should not be tolerated. These measures will help ensure humane treatment of our loyal companions,” said Senator Lanza.

“Protecting our vulnerable animals has always been an issue near and dear to my heart,” said District Attorney Donovan. “The Animal Neglect Prevention program my office implemented last year will help stave off neglect and abuse, but these bills are critical to

helping crack down on people who commit it. I applaud Senator Lanza and Assemblywoman Malliotakis for spearheading this important legislation, and look forward to partnering with them to ensure all animals live in a safe, happy and healthy environment.”

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