



NEW YORK STATE SENATOR

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## STATE SENATE PASSES PACKAGE OF ANIMAL PROTECTION BILLS

JOHN A. DEFRANCISCO June 6, 2017

| ISSUE: **ANIMAL ADVOCACY, ANIMAL ABUSE, ANIMAL RIGHTS**



The New York State Senate participated in the Legislature's annual Animal Advocacy Day and took up measures that bolster protections for animals and their owners from harm and abuse. The bills strengthen Buster's Law, crack down on animal fighting, and improve oversight for animal shelters, among other measures.

Senator Sue Serino (R-C-I, Hyde Park), Senate Co-Chair of Animal Advocacy Day, said, “For many New Yorkers, our pets are an extension of our families and as such, we have a responsibility to ensure that their health and safety remain a priority. Animal Advocacy Day is about giving voice to the needs of New York’s animals and ensuring that those who seek to exploit their vulnerability know that they will not be let off easily here in our state. I am proud to join with my legislative colleagues to take a stand for the companion animals that give so much to so many of our families.”

Senator Phil Boyle (R-C-I, Bay Shore), Senate co-sponsor of Animal Advocacy Day, said, “Animal Advocacy Day is a wonderful annual event that brings the Legislature, law enforcement, and hundreds of pet owners and advocates together to raise awareness of important animal issues. Now more than ever, we are passing and enacting vitally important laws to protect our pets and hold those who are cruel to animals accountable to the highest extent of the law. We have accomplished so much in our fight to enhance animal safety and protections, and we will never stop working to create meaningful legislation that serves as a voice for the voiceless.”

Senator Jim Tedisco (R,C,I,REF-Glenville), Senate Co-Chair of Animal Advocacy Day, said, “It’s hard to read a newspaper, watch the news or go on social media and not learn of yet another disturbing case of animal cruelty and neglect. While we’ve made great strides in protecting our four-legged friends since the passage of the landmark Buster’s Law in 1999, there are still many miles to go in New York State to protect our pets and keep people safe. Animal cruelty is a bridge crime on the FBI criminal profile and those who are so dastardly as to harm our pets can and often do go on to hurt humans. Animal Advocacy Day matters because it’s about more than just protecting our four-legged friends, it’s about keeping people safe. Just as important as strengthening our laws, Animal Advocacy Day aims to educate the public and law enforcement about the value of our companion animals and the importance of

enforcing existing laws.”

The bills passed today include:

Prohibiting violators of “Buster’s Law” from having a companion animal: Bill S2501, sponsored by Senator James Tedisco (R-C-I-Reform, Glenville), would prohibit a person convicted of "Buster's Law" from owning or possessing a companion animal unless authorized by court order, after appropriate psychiatric or psychological testing. Requiring a psychiatric evaluation will help identify behavior problems and ensure more animals are not abused.

Increasing the penalty for multiple convictions of animal cruelty: Bill S299, sponsored by Senator Terrence Murphy (R-C-I, Yorktown), would increase the penalty for multiple convictions of torturing, killing or failing to provide sustenance to an animal to a felony, if convicted within five years from the date of a prior conviction. This will also help protect people as well because animal cruelty is often linked to violence against humans.

Requiring more inspections for pet dealers: Bill S302, sponsored by Senator Murphy, provides for more frequent inspections of pet dealers which have been charged with or convicted of violations relating to cats and dogs. It requires the Department of Agriculture and Markets, upon the filing of a charge against a pet dealer, to immediately inspect the premises and continue to inspect the premises every two weeks thereafter until a final disposition of the charges. Should the pet dealer be convicted, inspections would be required quarterly.

Designating animal fighting as an enterprise-crime-eligible offense: Bill S594, sponsored by Senator Boyle, would define animal fighting as a criminal act when referring to enterprise corruption. By making animal fighting an enterprise-crime-eligible offense, law enforcement and prosecutors will have more tools available to combat this serious problem.

Expanding tools available to stop animal fighting: Bill S611, sponsored by Senator Boyle, places animal fighting on a list of crimes eligible to seek a warrant to conduct electronic eavesdropping or video surveillance.

Preventing animal abusers from working at animal shelters: Bill S2937, sponsored by Senator Patrick M. Gallivan (R-C-I, Elma), prohibits persons convicted of animal cruelty from being a dog or animal control officer, or working at an animal shelter, pound, humane society, animal protective association, or Society for the Prevention of Cruelty to Animals.

Improving shelter care for dogs: Bill S5515, sponsored by Senator Gallivan, would require impounding organizations to examine the animal and provide care and treatment to relieve pain and suffering, including necessary emergency veterinary care and treatment, parasite control and appropriate vaccinations. The impounding organization must also provide proper shelter, food and potable water.

Reducing holding time for the adoption of stray cats: Bill S177B, sponsored by Senator Marchione, would allow a duly incorporated Society for the Prevention of Cruelty to Animals, humane society, or any municipal pound to put unidentified, stray cats who have been examined by a veterinarian up for adoption after 3 days. Cutting the holding time from 5 to 3 days will help reduce the spread of diseases, which is beneficial to both the animal and animal shelter.

Increasing the fine for abandoning an animal: Bill S1137, sponsored by Senator Carl L. Marcellino (R, Syosset), would increase the fine for animal abandonment from \$1,000 to \$2,000. This would help prevent abandoned animals from starving or freezing to death, breeding, spreading disease, or being killed by other animals.

Establishing an income tax credit for owners of service dogs: Bill S5938A, sponsored by Senator Robert Ortt (R-C-I, North Tonawanda), would establish an income tax credit of up to \$1,000 for the owners of service dogs. Service dog is defined as a dog that is a service, guide, hearing, or seeing, or is under the control of the person using or training the to do work or perform tasks to benefit an individual with a disability.

Also taken up today was bill S1712. Sponsored by Senator Tedisco, this bill increases certain penalties for violating the prohibition of animal fighting and for aggravated cruelty to animals.

The bills will be sent to the Assembly.

The Animal Advocacy Day bills build upon the Senate's commitment to protecting pets and other wildlife. The 2017-2018 state budget includes \$5 million for the creation of a Companion Animal Capital Fund. This first of its kind fund would provide humane societies, nonprofits, and municipal shelters with grants for capital projects through a competitive application process. In addition, bills the Senate has already passed this year include:

Kirby & Quigley's Law: Bill S1680, sponsored by Senator Tedisco, would expand the definition of aggravated cruelty to animals to include harm to companion animals during the commission of a felony. Violating this measure would be punishable with two years in jail and a \$5,000 fine.

Extending orders of protection to pets of victims of domestic abuse: Bill S2167, sponsored by Senator Serino, would give the court discretion to forbid contact between the abuser and any pet that is cared for by a victim.

Exempting dog license fees for deployed active military members' dogs: Bill S839, sponsored by Senator Rich Funke (R-C-I, Fairport), would allow municipalities the option to waive a licensing fee for an active military member's dog when they are deployed.

Enacting the Elephant Protection Act: Bill S2098A, sponsored by Senator Murphy, would prohibit the use of elephants in entertainment acts. The measure is meant to safeguard all elephants from the physical and psychological harm potentially inflicted upon them by living conditions, treatment, and cruel methods that are necessary to train elephants to perform. Establishing March 13 as "K9 Veterans Day": Bill S216, sponsored by Senator Marchione, designates March 13 of each year as "K9 Veterans Day" in this State.