S T A T E  O F  N E W  Y O R K

3766

2013-2014 Regular Sessions

I N  A S S E M B L Y

January 29, 2013

Introduced by M. of A. GLICK, COOK, SWEENEY -- Multi-Sponsored by -- M. of A. COLTON, GOTTFRIED, HOOPER, ORTIZ, WEISENBERG -- read once and referred to the Committee on Social Services

AN ACT to amend the social services law, in relation to the reporting of animal abuse

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 413 of the social services law is amended by adding a new subdivision 1-a to read as follows:

1-A. ANY PERSON SUBJECT TO THE REPORTING REQUIREMENTS OF THIS TITLE SHALL REPORT OR CAUSE A REPORT TO BE MADE IN ACCORDANCE WITH THIS TITLE WHEN, AS A RESULT OF PERFORMING SUCH DUTIES, SUCH PERSON HAS REASONABLE CAUSE TO SUSPECT THAT ABUSE OR MALTREATMENT OF AN ANIMAL HAS BEEN CAUSED BY A PERSON ALSO SUSPECTED OF ABUSE OR MALTREATMENT OF A CHILD.

S 2. Section 415 of the social services law is amended by adding a new undesignated paragraph to read as follows:

REPORTS OF SUSPECTED ANIMAL ABUSE OR MALTREATMENT MADE PURSUANT TO THIS TITLE SHALL BE MADE IMMEDIATELY BY TELEPHONE OR BY TELEPHONE FACSIMILE MACHINE. ORAL REPORTS SHALL BE FOLLOWED BY A REPORT IN WRITING WITHIN FORTY-EIGHT HOURS AFTER SUCH ORAL REPORT. ORAL AND WRITTEN REPORTS SHALL BE MADE TO THE LOCAL SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS OR THE LOCAL POLICE DEPARTMENT. A COPY OF THE WRITTEN REPORT SHALL BE FORWARDED TO THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS WITHIN FORTY-EIGHT HOURS OF THE ORAL REPORT. WRITTEN REPORTS SHALL BE MADE IN A MANNER PRESCRIBED BY THE AMERICAN SOCIETY FOR THE PREVENTION OF CRUELTY TO ANIMALS AND SHALL INCLUDE THE FOLLOWING INFORMATION: A DESCRIPTION OF THE ANIMAL; THE PRESENT LOCATION OF THE ANIMAL; A DESCRIPTION OF THE INJURY, ABUSE OR MALTREATMENT OF THE ANIMAL, INCLUDING ANY EVIDENCE OF PRIOR INJURIES, ABUSE OR MALTREATMENT OF SUCH ANIMAL OR OF OTHER ANIMALS; THE NAME AND ADDRESS OF THE PERSON OR PERSONS ALLEGED TO BE RESPONSIBLE FOR CAUSING THE INJURY, ABUSE OR

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

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MALTREATMENT; THE SOURCE OF THE REPORT; THE NAME, ADDRESS AND TELEPHONE NUMBER OF THE PERSON MAKING THE REPORT; AND ANY ACTION TAKEN BY THE REPORTING SOURCE WITH REGARD TO THE INJURY, ABUSE OR MALTREATMENT OF THE ANIMAL. WRITTEN REPORTS FROM PERSONS OR OFFICIALS REQUIRED BY THIS TITLE TO REPORT SHALL BE ADMISSIBLE IN ANY PROCEEDINGS RELATING TO ANIMAL ABUSE OR MALTREATMENT.

S 3. Subdivisions 1 and 2 of section 420 of the social services law, as added by chapter 1039 of the laws of 1973, are amended to read as follows:

1. Any person, official or institution required by this title to report a case of suspected child abuse or maltreatment OR ANIMAL ABUSE OR MALTREATMENT who willfully fails to do so shall be guilty of a class A misdemeanor.

2. Any person, official or institution required by this title to report a case of suspected child abuse or maltreatment OR ANIMAL ABUSE OR MALTREATMENT who knowingly and willfully fails to do so shall be civilly liable for the damages proximately caused by such failure.

S 4. This act shall take effect on the thirtieth day after it shall have become a law.