

# STATE OF NEW YORK

1211--A

2019-2020 Regular Sessions

## IN ASSEMBLY

January 14, 2019

Introduced by M. of A. GLICK, COOK, SIMON -- Multi-Sponsored by -- M. of A. COLTON, GOTTFRIED -- read once and referred to the Committee on Children and Families -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 412 of the social services law is amended by adding two new subdivisions 10 and 11 to read as follows:

10. "Animal" shall have the same meaning as defined in subdivision one of section three hundred fifty of the agriculture and markets law.

11. "Cruelty" shall have the same meaning as defined in subdivision two of section three hundred fifty of the agriculture and markets law.

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

1-a. Notwithstanding any other provision of law to the contrary imposing a duty of confidentiality, any person subject to the reporting requirements of this title may 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 animal cruelty has been caused by a person also suspected of abuse or maltreatment of a child.

§ 3. Section 414 of the social services law, as added by chapter 1039 of the laws of 1973, is amended to read as follows:

§ 414. Any person permitted to report. In addition to those persons and officials required to report suspected child abuse or maltreatment, or animal cruelty pursuant to section four hundred fifteen of this title, any person may make such a report if such person has reasonable cause to suspect that a child is an abused or maltreated child or if an animal has been subject to cruelty.

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

LBD05034-02-9

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

3     Reports of suspected animal cruelty made pursuant to this title shall  
4     be made immediately by telephone or by telephone facsimile machine. Oral  
5     reports shall be followed by a report in writing within forty-eight  
6     hours after such oral report. Such oral and written reports shall be  
7     made to (a) any peace officer or agent of a society for the prevention  
8     of cruelty to animals authorized to lawfully investigate acts of  
9     suspected animal cruelty pursuant to section three hundred seventy-one  
10    of the agriculture and markets law, and whose jurisdictional authority  
11    includes the municipality in which such suspected animal cruelty  
12    occurred; or (b) any police officer or agent authorized to lawfully  
13    investigate acts of suspected animal cruelty pursuant to article twenty-  
14    six of the agriculture and markets law, and whose jurisdictional  
15    authority includes the municipality in which such suspected animal  
16    cruelty occurred. For purposes of this paragraph, written reports shall  
17    disclose only such limited confidential information as is necessary for  
18    such peace officer or police officer to identify the animal's location  
19    and status but may include the following information: a description of  
20    the animal; the present location of the animal; a description of the  
21    injury, including any evidence of prior injuries, cruelty to such animal  
22    or to other animals; the name and address of the person or persons  
23    alleged to be responsible for causing the injury or cruelty; the source  
24    of the report; the name, address and telephone number of the person  
25    making the report; and any action taken by the reporting source with  
26    regard to the injury or cruel treatment of such animal. Written reports  
27    from persons or officials required by this title to report may be  
28    submitted electronically and shall be admissible in any proceedings  
29    relating to animal cruelty.

30    § 5. Section 419 of the social services law, as amended by chapter 12  
31    of the laws of 1996, is amended to read as follows:

32    § 419. Immunity from liability. Any person, official, or institution  
33    participating in good faith in the providing of a service pursuant to  
34    section four hundred twenty-four of this title, the making of a report,  
35    the taking of photographs, the removal or keeping of a child pursuant to  
36    this title, reporting animal cruelty pursuant to this title, or the  
37    disclosure of child protective services information in compliance with  
38    sections twenty, four hundred twenty-two and four hundred twenty-two-a  
39    of this chapter shall have immunity from any liability, civil or criminal,  
40    that might otherwise result by reason of such actions. For the  
41    purpose of any proceeding, civil or criminal, the good faith of any such  
42    person, official, or institution required to report cases of child abuse  
43    or maltreatment or providing a service pursuant to section four hundred  
44    twenty-four or the disclosure of child protective services information  
45    in compliance with sections twenty, four hundred twenty-two and four  
46    hundred twenty-two-a of this chapter shall be presumed, provided such  
47    person, official or institution was acting in discharge of their duties  
48    and within the scope of their employment, and that such liability did  
49    not result from the willful misconduct or gross negligence of such  
50    person, official or institution.

51    § 6. This act shall take effect on the thirtieth day after it shall  
52    have become a law.