

STATE OF NEW YORK

3415--A

2019-2020 Regular Sessions

IN SENATE

February 6, 2019

Introduced by Sens. MARTINEZ, BIAGGI, BOYLE, KRUEGER, TEDISCO -- read twice and ordered printed, and when printed to be committed to the Committee on Domestic Animal Welfare -- 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:

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

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

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

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

9 1-a. Notwithstanding any other provision of law to the contrary
10 imposing a duty of confidentiality, any person subject to the reporting
11 requirements of this title may report or cause a report to be made in
12 accordance with this title when, as a result of performing such duties,
13 such person has reasonable cause to suspect that animal cruelty has been
14 caused by a person also suspected of abuse or maltreatment of a child.

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

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

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

LBD05034-03-9

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.