

STATE OF NEW YORK

9948

IN ASSEMBLY

February 27, 2020

Introduced by M. of A. M. L. MILLER -- read once and referred to the Committee on Children and Families

AN ACT to amend the agriculture and markets law, in relation to enacting the "Family protection act"

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

1 Section 1. Short title. This act shall be known and may be cited as
2 the "Family protection act".

3 § 2. Legislative intent. The legislature hereby finds that animal
4 cruelty is a serious problem and that individuals who harm and abuse
5 animals are statistically more likely to engage in domestic violence and
6 child abuse than individuals who do not harm and abuse animals. A strong
7 correlation has been established linking individuals who abuse animals
8 with incidents of domestic violence. Therefore, the purpose of this law
9 is to establish a requirement that the state of New York office of chil-
10 dren and family services must investigate any individual who is accused
11 of or investigated for animal cruelty to ensure that there is no associ-
12 ated domestic or family violence and that law enforcement notify and
13 coordinate with the office of children and family services in animal
14 cruelty investigations and arrests.

15 § 3. The agriculture and markets law is amended by adding a new
16 section 353-aa to read as follows:

17 § 353-aa. Animal abuse accusation requiring a domestic violence and abuse
18 investigation. 1. Definitions. As used in this section, the following
19 terms shall have the following meanings:

20 (a) "Animal" shall mean any live mammal, bird, or reptile, but shall
21 not include feeder animals.

22 (b) "Companion animal" shall mean any dog or cat, and shall also mean
23 any other domesticated animal normally maintained in or near the house-
24 hold of the owner or person who cares for such other domesticated
25 animal.

26 (c) "Animal abuse crime" shall mean the commission of the following
27 enumerated crimes against an animal:

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

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1 (1) animal fighting, as defined in section three hundred fifty-one of
2 this article;

3 (2) overdriving, torturing, and injuring animals; failure to provide
4 proper sustenance, as defined in section three hundred fifty-three of
5 this article;

6 (3) aggravated cruelty to animals, as defined in section three hundred
7 fifty-three-a of this article;

8 (4) electrocution of fur-bearing animals, as defined in section three
9 hundred fifty-three-c of this article

10 (5) abandonment of animals, as defined in section three hundred
11 fifty-five of this article;

12 (6) failure to provide proper food and drink to an impounded animal,
13 as defined in section three hundred fifty-six of this article;

14 (7) carrying animal in a cruel manner, as defined in section three
15 hundred fifty-nine of this article;

16 (8) poisoning or attempting to poison animals, as defined in section
17 three hundred sixty of this article;

18 (9) interference with or injury to certain domestic animals, as
19 defined in section three hundred sixty-one of this article;

20 (10) sexual misconduct with an animal, as defined in subdivision three
21 of section 130.20 of the penal law;

22 (11) harming an animal trained to aid a person with a disability in
23 the first degree, as defined in section 195.12 of the penal law;

24 (12) harming a service animal in the first degree, as defined in
25 section 242.15 of the penal law;

26 (13) harming a service animal in the second degree, as defined in
27 section 242.10 of the penal law; or

28 (14) an offense in any other jurisdiction which includes all the
29 essential elements of any such crime provided for in this subdivision.

30 (d) "Accused" shall mean a formal accusation of an animal abuse crime
31 commenced by the filing of an information, complaint, or indictment with
32 a court of competent jurisdiction.

33 (e) "Investigated" shall mean a reasonable suspicion that an individ-
34 ual is engaging in an animal abuse crime that has commenced an investi-
35 gation into such conduct by a law enforcement agency with jurisdiction
36 covering the state of New York.

37 (f) "Domestic incident report" shall mean a state of New York division
38 of criminal justice services form three thousand two hundred twenty-one,
39 as established by the "family protection and domestic violence inter-
40 vention act of 1994".

41 2. Duty to investigate. (a) Upon notification of an accusation or
42 investigation of an animal abuse crime, the office of children and fami-
43 ly services shall promptly log and investigate the individual that has
44 been accused or is being investigated. The office of children and family
45 services shall, where practicable, reasonable, and not in contravention
46 of law, coordinate such investigation with and communicate any results
47 to the referring or prosecuting agency.

48 (b) Such investigation shall determine whether the accused or investi-
49 gated party has any associated family or domestic violence.

50 3. Sharing of information. (a) Where practicable, reasonable, and not
51 in contravention of law, the office of children and family services
52 shall be notified by law enforcement of investigations and accusations
53 of animal abuse crimes where such investigations or accusations arise in
54 connection in such law enforcement's professional or official capacity.
55 Nothing herein shall mandate such reporting (i) where it would jeopard-
56 ize an ongoing investigation or the personal safety of an individual;

1 (ii) in circumstances where it is clear that the accused or investigated
2 individual has no family members and no need for personal services from
3 the office of children and family services; or (iii) where the partic-
4 ular investigation or accusation was previously reported. Such law
5 enforcement members shall document response, investigation, and actions
6 taken in keeping with this mandate, including, where appropriate, on a
7 domestic incident report.

8 (b) A domestic incident report shall be prepared in every instance of
9 abuse or threatened abuse against the companion animal of another family
10 member, even if investigation of the incident reveals that no crime or
11 offense was committed.

12 4. Applicability. This law shall apply to all persons accused or
13 investigated of animal abuse crimes on or after the effective date of
14 this section.

15 5. Severability. If any clause, sentence, paragraph, subdivision,
16 section, or part of this law to the application thereof to any person,
17 individual, corporation, firm, partnership, entity or circumstance shall
18 be adjudged by any court of competent jurisdiction to be invalid or
19 unconstitutional, such order or judgment shall not affect, impair or
20 invalidate the remainder thereof, but shall be confined in its operation
21 to the clause, sentence, paragraph, subdivision, section or part of this
22 law or in its application to the person, individual, corporation, firm,
23 partnership entity or circumstance directly involved in the controversy
24 in which an order or judgment shall be rendered.

25 § 4. This act shall take effect immediately.