

# STATE OF NEW YORK

7401

2021-2022 Regular Sessions

## IN SENATE

September 27, 2021

Introduced by Sen. KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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.

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

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

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

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

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

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