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:

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**.

§ 4. Section 415 of the social services law is amended by adding a new 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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Reports of suspected animal cruelty 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. Such oral and written reports shall be made to (a) any peace officer or agent of a society for the prevention of cruelty to animals authorized to lawfully investigate acts of suspected animal cruelty pursuant to section three hundred seventy-one of the agriculture and markets law, and whose jurisdictional authority includes the municipality in which such suspected animal cruelty occurred; or (b) any police officer or agent authorized to lawfully investigate acts of suspected animal cruelty pursuant to article twenty-six of the agriculture and markets law, and whose jurisdictional authority includes the municipality in which such suspected animal cruelty occurred. For purposes of this paragraph, written reports shall disclose only such limited confidential information as is necessary for such peace officer or police officer to identify the animal's location and status but may include the following information: a description of the animal; the present location of the animal; a description of the injury, including any evidence of prior injuries, cruelty to such animal or to other animals; the name and address of the person or persons alleged to be responsible for causing the injury or cruelty; 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 or cruel treatment of such animal. Written reports from persons or officials required by this title to report may be submitted electronically and shall be admissible in any proceedings relating to animal cruelty.

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

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

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