STATE OF NEW YORK

1276

2023-2024 Regular Sessions

IN ASSEMBLY

January 13, 2023

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

AN ACT to amend the agriculture and markets law, in relation to enacting "Bella's Law"

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

Section 1. Short title. This act shall be known and may be cited as "Bella's Law".

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

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

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

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

(b) "Companion animal" shall mean any dog or cat, and shall also mean any other domesticated animal normally maintained in or near the household of the owner or person who cares for such other domesticated animal.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(e) "Investigated" shall mean a reasonable suspicion that an individual is engaging in an animal abuse crime that has commenced an investigation into such conduct by a law enforcement agency with jurisdiction covering the state of New York.

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

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

(b) Such investigation shall determine whether the accused or investigated party has any associated family or domestic violence.

3. Sharing of information. (a) Where practicable, reasonable, and not in contravention of law, the office of children and family services shall be notified by law enforcement of investigations and accusations of animal abuse crimes where such investigations or accusations arise in connection in such law enforcement's professional or official capacity.

Nothing herein shall mandate such reporting: (i) where it would jeopardize an ongoing investigation or the personal safety of an individual; (ii) in circumstances where it is clear that the accused or investigated individual has no family members and no need for personal services from the office of children and family services; or (iii) where the particular investigation or accusation was previously reported. Such law enforcement members shall document response, investigation, and actions taken in keeping with this mandate, including, where appropriate, on a domestic incident report.

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

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

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

§ 4. This act shall take effect immediately.