STATE OF NEW YORK

8030

2025-2026 Regular Sessions

IN SENATE

May 15, 2025

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

AN ACT to amend the criminal procedure law, the penal law and the family court act, in relation to requiring principals convicted of certain animal cruelty offenses undergo a presentencing forensic psychological evaluation and a report be submitted to the court based on such evaluation and to attend treatment based on such report

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

Section 1. The criminal procedure law is amended by adding a new section 390.25 to read as follows:

§ 390.25 Requirement of forensic psychological evaluation report; animal cruelty.

1. For the purposes of this section, the following terms shall have the following meanings:

(a) "forensic psychological evaluation" means an evaluation conducted by a mental health professional trained in forensic evaluation.

(b) "mental health professional" means a person licensed under article one hundred fifty-three, one hundred fifty-four, or one hundred sixty-three of the education law.

(c) "defendant", "conviction" and "sentence" includes, respectively, an "eligible youth", a "youthful offender finding" and a "youthful offender sentence" as those terms are defined in section 720.10 of this chapter.

2. (a) In any case where the defendant is convicted of any offense enumerated in section three hundred fifty-three, three hundred fifty-three-a, or three hundred fifty-six of the agriculture and markets law or subdivision four of section 130.20 of the penal law, the court must order that the defendant submit to a forensic psychological evaluation. The mental health professional performing such evaluation shall submit a report of their findings to the court prior to sentencing.

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

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(b) In any case where the defendant is convicted of any offense enumerated in article twenty-six of the agriculture and markets law other than section three hundred fifty-three, three hundred fifty-three-a, or three hundred fifty-six, the court may order that the defendant submit to a forensic psychological evaluation. The mental health professional performing such evaluation shall submit a report of their findings and recommendations to the court prior to sentencing.

3. A forensic psychological evaluation ordered by the court under this section shall include, but not be limited to, the mental health professional performing such evaluation endeavoring to identify:

(a) any causal factors underlying the animal cruelty offense;

(b) a risk assessment of the defendant's likelihood to recidivate and any risk the defendant poses to the community at large; and

(c) sentencing recommendations for any counseling, humane education, rehabilitation program, or other treatment which may address the underlying causal factors of the offense, or reduce the risk, if any, the defendant poses to animals or to the community.

4. All costs of the forensic psychological evaluation shall be borne by the defendant. However, if the court determines the defendant is indigent, the state shall bear the cost of such evaluation.

§ 2. The penal law is amended by adding a new section 60.14 to read as follows:

§ 60.14 Authorized disposition; animal cruelty.

1. When a person is convicted of any offense enumerated in article twenty-six of the agriculture and markets law or subdivision four of section 130.20 of this chapter, such sentence may, where appropriate and after considering the findings and recommendations in any report submitted to the court under section 390.25 of the criminal procedure law, include an order requiring the defendant to attend counseling, humane education, a rehabilitation program, or other such treatment which the court deems appropriate. Such counseling, humane education, rehabilitation program, or other such treatment may be conducted in person or remotely.

2. All costs of the counseling, humane education, rehabilitation program, or other such treatment shall be borne by the defendant. However, if the court determines the defendant is indigent, the state shall bear the cost of such counseling, humane education, rehabilitation program, or other such treatment.

§ 3. The family court act is amended by adding a new section 347.2 to read as follows:

§ 347.2. Required forensic psychological evaluation; animal cruelty.

1. For the purposes of this section, the following terms shall have the following meanings:

(a) "forensic psychological evaluation" means an evaluation conducted by a mental health professional trained in forensic evaluation.

(b) "mental health professional" means a person licensed under article one hundred fifty-three, one hundred fifty-four, or one hundred sixty-three of the education law.

2. (a) In any proceeding where the respondent is found pursuant to section 345.1 or 346.1 of this part to have committed any offense enumerated in section three hundred fifty-three, three hundred fifty-three-a, or three hundred fifty-six of the agriculture and markets law or subdivision four of section 130.20 of the penal law, the court must order that the respondent submit to a forensic psychological evaluation. The mental health professional performing such evaluation shall submit a

report of their findings to the court prior to the court issuing an order of disposition.

(b) In any proceeding where the respondent is found pursuant to section 345.1 or 346.1 of this part to have committed any offense enumerated in article twenty-six of the agriculture and markets law other than section three hundred fifty-three, three hundred fifty-three-a, or three hundred fifty-six, the court may order that the respondent submit to a forensic psychological evaluation. The mental health professional performing such evaluation shall submit a report of their findings and recommendations to the court prior to the court issuing an order of disposition.

3. A forensic psychological evaluation ordered by the court under this section shall include, but not be limited to, the mental health professional performing such evaluation endeavoring to identify:

(a) any causal factors underlying the animal cruelty offense;

(b) a risk assessment of the respondent's likelihood to recidivate and any risk the respondent poses to the community at large; and

(c) sentencing recommendations for any counseling, humane education, rehabilitation program, or other treatment which may address the underlying causal factors of the offense, or reduce the risk, if any, the respondent poses to animals or to the community.

§ 4. The family court act is amended by adding a new section 353.8 to read as follows:

§ 353.8. Required treatment; animal cruelty. 1. When a respondent is found to have committed any offense enumerated in article twenty-six of the agriculture and markets law or subdivision four of section 130.20 of the penal law, such disposition may, where appropriate and after considering the findings and recommendations in any report submitted to the court under section 347.2 of this article, include an order requiring the respondent to attend counseling, humane education, a rehabilitation program, or other such treatment which the court deems appropriate. Such counseling, humane education, rehabilitation program, or other such treatment may be conducted in person or remotely.

2. All costs of the counseling, humane education, rehabilitation program, or other such treatment shall be borne by the respondent. However, if the court determines the respondent is indigent, the state shall bear the cost of such counseling, humane education, rehabilitation program, or other such treatment.

§ 5. This act shall take effect on the ninetieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.