



*NYSAPF is the advocacy voice of New York's humane societies, SPCAs, non-profit and municipal animal shelters*

**Memo in Support of Legislation to Help Animal Shelters with Costs Related to  
The Care of Animals Seized During Cruelty Investigations  
A.5552 (Paulin)/S.3707 (Martinez)**

On March 18, 2010, the SPCA Serving Erie County rescued 73 horses, 53 cats and 4 dogs from deplorable conditions on an East Aurora, NY farm. The SPCA worked with local law enforcement and the farm's owner, Beth Lynne Hoskins, eventually faced 125 charges of animal cruelty.

Rescuing the animals meant that the SPCA Serving Erie County provided medical care, shelter and sustenance to the animals. Since the animals were "evidence" in a crime, the SPCA had to care for them until the case was resolved in July of 2013. All in all, the case cost the SPCA close to \$1 million.

Local SPCAs, humane societies, nonprofit and municipal animal shelters take their responsibility in these cases quite seriously. A number of shelters across the state employ peace officers and animal cruelty investigators who work side by side with law enforcement to handle animal abuse cases such as the one in E. Aurora.

However, this responsibility often results in daunting financial hardship for these shelters—especially the private not-for-profit shelters which receive no state funding for operations and mostly rely on private fund raising to support their efforts.

Current law allows an animal shelter--or a district attorney acting on its behalf--to petition the court to require the accused to post security in an amount sufficient to meet all reasonable expenses incurred for caring and providing for seized animals. Unfortunately, the law only allows petition to be filed "upon arraignment or within a reasonable time thereafter," even though arraignment may not occur for several days, several weeks, or in many cases much longer.

The Federation supports the policy initiative developed by the ASPCA that provides a solution to this situation. This measure would authorize the security posting petition to be filed upon the issuance of an appearance ticket or within a reasonable time thereafter, saving money for shelters and the local communities they serve.

Unable to shoulder these costs alone, shelters may be forced to limit the assistance they can offer—this is not what New York's animal shelters want to do but have been left with no other option. This creates a roadblock to the effective enforcement of the laws against animal cruelty and various forms of animal fighting. But of these crimes are serious and can result in both misdemeanor and felony-level charges.

It is imperative to remedy the financial gap that prevents animal shelters from taking in seized animals. There are many law enforcement officials that take animal cruelty and fighting seriously. But, if law enforcement has no responsible and caring placement for these animals, our local police and sheriff's departments may have to avoid pursuing these unlawful acts. This scenario is one that will not be good for the animals, for our communities and for society, in general.