



NYSAPF is the voice of New York's humane societies, SPCAs, non-profit and municipal animal shelters as well as animal welfare organizations which focus on homeless animals.

MEMO IN SUPPORT OF A.7989 (Dinowitz)-S.7160 (Skoufis) Taking Perpetrators of Animal Crimes into Custody

The New York State Animal Protection supports A.7989/ S.7160, a bill that authorizes any law enforcement authorized to enforce animal cruelty laws to forego the issuance of an appearance ticket and bring suspects directly into custody if the person is charged with a crime for which the court may order the posting of a security according to the Agriculture and Markets law.

Currently, police and SPCA are generally required to issue an appearance ticket to any person who is arrested upon suspicion of an animal-related offense. This allows the police to seize live animals from the offender's possession and place the animals into shelters. Shelters can exercise their legal right to petition the court to require the offender to post security which helps offset the significant costs that come with providing proper care for these animals.

Unfortunately, this law only allows this petition to be filed "upon arraignment or within a reasonable time thereafter," which leaves the arraignment period at the discretion of law enforcement and the courts. Any delay or uncertainty can impose a serious burden on a shelter, especially when the animal requires expensive and ongoing medical care. These costs can easily grow to the tens of thousands of dollars that the shelter may never recoup.

Many shelters opt to not pursue a security bond posting because local district attorneys will not file them on the shelter's behalf, and it is then up to the shelter to bear the additional cost of retaining an attorney. Delays can also leave the offenders with no recourse to address the seizure until the arraignment date.

The proposed legislation would authorize humane law enforcement/SPCA officer and local police to forego the issuance of an appearance ticket and bring the suspect directly into custody.

Animal crimes can present a serious public health and safety risk, particularly for those animals forced into animal fighting. We know that animal fighting often goes hand in hand with other types of criminal activity. This legislation is vital to preventing further aggravated cruelty offenses and revealing the true depth of a possible criminal enterprise.

Furthermore, these acts of aggravated cruelty, which can result in an animal's death or serious injury, can also expose other forms of family and domestic violence. The animal crime can be just the tip of the iceberg of a perpetrator's history of aggression and antisocial behavior.

Animal crimes need to be taken seriously. This is one more way for that to happen.