



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 S.6913 (Addabbo)/A.7094 (McDonald) Elevating the Penalty for the Use of a Deadly Weapon Against a Companion Animal

The idea that anyone would abuse a companion animal—primarily dogs and cats—is anathema to most. There are those, however, who think nothing of it and use deadly weapons to commit crimes and abuse against these helpless animals.

The New York State Animal Protection Federation and its network of shelters and rescues across New York State urge you to support S.6913/A.7094, a bill that elevates the penalty for causing physical injury to companion animals using a deadly weapon or dangerous instrument while intending to cause serious physical injury.

During the time ASPCA has been partnered with the NYPD, the ASPCA has treated hundreds of animals who have been intentionally injured by a variety of objects, such as guns, knives, scissors, boots, bats, sticks, furniture and even leashes used to hang animals, that are classified as dangerous or deadly weapons. Although these are extremely dangerous, many of these cases were not classified as serious physical injury (SPI) when documented by veterinarians for a host of reasons such as:

- A delay between when the injury was inflicted and when the animal was examined which results in the loss of valuable forensic evidence, or
- The animal recovers without any demonstrable loss or impairment of function.

Serious physical injury is defined in New York State Penal Law §10.00 (10) as “physical injury which creates a substantial risk of death, or which causes death or serious and protracted disfigurement, protracted impairment or protracted loss or impairment of the function of any bodily organ.”

Without proof of SPI, the person who intentionally injured the animal is charged with a misdemeanor at most. If a person shoots and kills a companion animal, the perpetrator is charged with a felony. If the same person shoots the companion animal and it survives, the perpetrator is only charged with a misdemeanor. If a person shot and seriously injured a person, he or she would probably be charged with a high-level felony and perhaps attempted murder. The same situation with a companion animal means the shooter gets off with a slap on the wrist.

This legislation ensures that a person who unjustifiably injures an animal and causes serious physical injury is charged with a felony. This ensures that those who try but fail to kill a companion animal will be punished just as those who kill an animal.

Honestly, our companion animals deserve nothing less.