



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

**MEMO IN SUPPORT OF
S.8543 (Gianaris)/A.9215 (McDonald)
Creating a Civil Remedy for Animal Forfeiture**

The New York State Animal Protection Federation and its network of shelters and rescues across New York State urge you to support S.8543/A.9215, a bill introducing a new legal process to animal forfeiture that does not require charging offenders with a criminal offense.

Law enforcement and humane agencies have expressed frustration with using criminal law to address specific types of neglect and cruelty, but it is currently their only option. This bill would provide a civil process by which humane law enforcement agencies can implement a non-criminal process that provides the animals with proper care and finds the animals a new loving home.

A civil process for addressing animal mistreatment is critical. Often the people charged with these crimes are mentally ill or are mentally or physically incapable of taking care of their animals. Criminal charges against these people aren't necessarily the best option (although the only option available), drags out the process which further diminishes the quality of life for the animals seized and, at times, overwhelms an animal shelter. Holding these animals for long periods of time also means other homeless companion animals may have to be turned away from the shelter because of a lack of space leaving these animals to fend for themselves on the streets.

When animals get seized in cruelty cases, they are held as live evidence while the case winds through the court system. The responsibility for caring for these animals—food, water, veterinary care, behavioral, enrichment and a roof over their heads—falls on the shoulders of local animal shelters. You can't just put live animals in a closet or on a shelf like you can with other types of evidence like a stolen television or jewelry.

This care is costly and more times than not is underwritten by the shelter itself. For example, in 2021 the Hudson Valley Humane Society in Rockland County was called to a home where they found two dogs chained to an outbuilding. The shelter eventually gained access to the home and seized 24 adult dogs. The owner, a man in his early 60's, was a classic animal hoarder, using multiple veterinarians to hide how many animals he actually owned.

The case went on for 18 months until finally the court recognized the overwhelming cost HVHS had absorbed by awarding the shelter custody of the animals. Nonetheless, the shelter housed these dogs for 18 months,

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meaning other homeless companion animals couldn't be sheltered due to space constraints. The total cost of care in the case was \$75,000 in veterinary bills and close to \$260,000 in daily care at a rate of \$20/day (which is actually below average).

In 2023, Finger Lakes SPCA took in 13 dogs, mostly Cane Corsos (seven adults and six puppies) from an animal cruelty case. The seizure was done by the County Sheriff with the shelter's assistance. The owner refused to relinquish ownership of the animals and the court process was "a nightmare," according to the shelter's Executive Director. The owner managed to keep delaying the case, and the dogs were housed at the shelter for 11 months. The cost of care and damage because of overcrowding is estimated at between \$75,000 and \$100,000. The county was able to assist with only about 20% of this financial burden.

If there was a civil remedy available for these two cases, a State Supreme Court Judge would have been able to order that the animals be signed over to the shelters who would have given them the care they needed, including veterinary, but would have been able to adopt out the dogs within a matter of weeks instead of having to wait for months on end for the criminal case to be resolved.

A civil remedy would also save taxpayer dollars for those municipalities and law enforcement agencies that actually do help underwrite the cost of care.