



NEW YORK STATE SENATOR

Liz Krueger

State Senate Passes Sen. Krueger's Bill To Increase Penalty For Animal Cruelty

LIZ KRUEGER June 3, 2015

New York – The State Senate voted today to pass a bill sponsored by Senator Liz Krueger ([S.4265](#)) that would remove the word “serious” from the description of physical injury necessary to sustain a charge of felony cruelty to animals. The bill was co-sponsored by Senators Addabbo, Avella, Espaillat, Funke, Golden, Hamilton, Hoylman, Peralta, Perkins, Serrano, and Stavisky. The legislation is carried in the Assembly by Assembly Member Linda Rosenthal.

“The health of our society can be measured in part by the way we treat the animals in our care,” said Sen. Krueger. “This bill is common sense: if you set out to cause extreme physical pain to an animal, you should get more than a slap on the wrist. I thank my fellow Senators for passing the bill today, and I look forward to it being taken up by my colleagues in the Assembly.”

In June 2014 on Staten Island, Rocky, an English bulldog, was the victim of a terrible act of cruelty when a neighbor threw ammonia in his face in an attempt to quiet his barking. By the time they brought Rocky to the vet, he had ulcers in both his eyes and the vet wasn't sure if he would ever see again. Thankfully, Rocky was able to make a full recovery. Yet this recovery also gave the perpetrator a way out. Due to the language of the felony animal cruelty statute, a charge could not be sustained. The dog's recovery conflicted with the prosecutor's interpretation of "serious physical injury". This meant that because the dog survived and recovered 100%, the perpetrator would be facing a lesser penalty.

This is nothing new. The Times Union reports that only 17% of those charged with felony aggravated cruelty to animals end up in felony convictions in New York State. In the case of Rocky, the perpetrator was given conditional discharge after being convicted of misdemeanor animal cruelty charges, and forced to pay \$1,000 to the ASPCA for the dog's medical treatment. Also, the perpetrator may not go near Rocky, and may never be allowed to own a dog again.

It is evident the punishment does not fit the crime. Eliminating the word "serious" from the statute would fix this, so that if a person's actions were intended to cause extreme physical pain or conducted in an especially depraved or sadistic manner (language from section 353-a of the Agriculture and Markets law),

one would only have to prove that the animal was injured in order to charge the attacker with a felony.