



NEW YORK STATE SENATOR

Patrick M. Gallivan

Senator Gallivan Announces Senate Passes Animal Protection Measures

JIM RANNEY June 6, 2017

| ISSUE: **ANIMAL ADVOCACY**



Senator Patrick M. Gallivan (R-C-I, Elma) joined his Senate colleagues in participating in the Legislature's annual Animal Advocacy Day on Tuesday by passing measures that bolster protections for animals and their owners from harm and abuse. The bills strengthen Buster's Law, crack down on animal fighting, and improve oversight for animal shelters, among other measures.

“For many of us, our pets are part of our family,” Gallivan said. “They provide unconditional love and we have a responsibility to keep them safe. These bills will help protect our pets and hold those people who abuse animals accountable for their actions. Animal Advocacy Day is a great way to raise awareness of these important issues and the critical role pets play in our lives.”

The bills passed Tuesday include:

Preventing animal abusers from working at animal shelters: Bill S2937, sponsored by Senator Gallivan, prohibits persons convicted of animal cruelty from being a dog or animal control officer, or working at an animal shelter, pound, humane society, animal protective association, or Society for the Prevention of Cruelty to Animals.

Improving shelter care for dogs: Bill S5515, sponsored by Senator Gallivan, would require impounding organizations to examine the animal and provide care and treatment to relieve pain and suffering, including necessary emergency veterinary care and treatment, parasite control and appropriate vaccinations. The impounding organization must also provide proper shelter, food and potable water.

Prohibiting violators of “Buster’s Law” from having a companion animal: Bill S2501, sponsored by Senator James Tedisco (R-C-I-Reform, Glenville), would prohibit a person convicted of “Buster's Law” from owning or possessing a companion animal unless authorized by court order, after appropriate psychiatric or psychological testing. Requiring a psychiatric evaluation will help identify behavior problems and ensure more animals are not abused.

Increasing the penalty for multiple convictions of animal cruelty: Bill S299, sponsored by

Senator Terrence Murphy (R-C-I, Yorktown), would increase the penalty for multiple convictions of torturing, killing or failing to provide sustenance to an animal to a felony, if convicted within five years from the date of a prior conviction. This will also help protect people as well because animal cruelty is often linked to violence against humans.

Requiring more inspections for pet dealers: Bill S302, sponsored by Senator Murphy, provides for more frequent inspections of pet dealers which have been charged with or convicted of violations relating to cats and dogs. It requires the Department of Agriculture and Markets, upon the filing of a charge against a pet dealer, to immediately inspect the premises and continue to inspect the premises every two weeks thereafter until a final disposition of the charges. Should the pet dealer be convicted, inspections would be required quarterly.

Designating animal fighting as an enterprise-crime-eligible offense: Bill S594, sponsored by Senator Boyle, would define animal fighting as a criminal act when referring to enterprise corruption. By making animal fighting an enterprise-crime-eligible offense, law enforcement and prosecutors will have more tools available to combat this serious problem.

Expanding tools available to stop animal fighting: Bill S611, sponsored by Senator Boyle, places animal fighting on a list of crimes eligible to seek a warrant to conduct electronic eavesdropping or video surveillance.

Reducing holding time for the adoption of stray cats: Bill S177B, sponsored by Senator Marchione, would allow a duly incorporated Society for the Prevention of Cruelty to Animals, humane society, or any municipal pound to put unidentified, stray cats who have been examined by a veterinarian up for adoption after 3 days. Cutting the holding time will help reduce the spread of diseases.

Increasing the fine for abandoning an animal: Bill S1137, sponsored by Senator Carl L. Marcellino (R, Syosset), would increase the fine for animal abandonment from \$1,000 to \$2,000. This would help prevent abandoned animals from starving or freezing to death, breeding, spreading disease, or being killed by other animals.

Clarifying regulations for dogs engaged in hunting or training: Bill S2900, sponsored by Senator Catharine Young (R-C-I, 57th District), provides that dogs engaged in hunting and training as authorized by the Environmental Conservation Law shall not be deemed to be running at large. This would help prevent dogs from unnecessarily entering the municipal animal shelter system if an officer finds a hunting dog and can locate the owner before taking the dog to the shelter.

Establishing an income tax credit for owners of service dogs: Bill S5938A, sponsored by Senator Robert Ortt (R-C-I, North Tonawanda), would establish an income tax credit of up to \$1,000 for the owners of service dogs. Service dog is defined as a dog that is a service, guide, hearing, or seeing, or is under the control of the person using or training the to do work or perform tasks to benefit an individual with a disability.

The Animal Advocacy Day bills build upon the Senate's commitment to protecting pets and other wildlife. The 2017-2018 state budget includes \$5 million for the creation of a Companion Animal Capital Fund. This first of its kind fund would provide humane societies, nonprofits, and municipal shelters with grants for capital projects through a competitive application process.

Also approved was S1712. Sponsored by Senator Tedisco, this bill increases certain penalties for violating the prohibition of animal fighting and for aggravated cruelty to animals.

Bills the Senate has already passed this year include:

Establishing March 13 as "K9 Veterans Day": Bill S216, co-sponsored by Senator Gallivan, designates March 13 of each year as "K9 Veterans Day" in this State.

Kirby & Quigley's Law: Bill S1680, sponsored by Senator Tedisco, would expand the definition of aggravated cruelty to animals to include harm to companion animals during the commission of a felony. Violating this measure would be punishable with two years in jail and a \$5,000 fine.

Extending orders of protection to pets of victims of domestic abuse: Bill S2167, sponsored by Senator Serino, would give the court discretion to forbid contact between the abuser and any pet that is cared for by a victim.

Exempting dog license fees for deployed active military members' dogs: Bill S839, sponsored by Senator Rich Funke (R-C-I, Fairport), would allow municipalities the option to waive a licensing fee for an active military member's dog when they are deployed.

Enacting the Elephant Protection Act: Bill S2098A, sponsored by Senator Murphy, would prohibit the use of elephants in entertainment acts. The measure is meant to safeguard all elephants from the physical and psychological harm potentially inflicted upon them by living conditions, treatment, and cruel methods that are necessary to train elephants to perform.

RELATED LEGISLATION

2017-S2937

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Prohibits persons who have been convicted of animal cruelty from working at an animal shelter

January 18, 2017

In Assembly Committee

Sponsored by Patrick M. Gallivan

Do you support this bill?

2017-S5515

- Introduced
- - In Committee Assembly
 - In Committee Senate
- - On Floor Calendar Assembly
 - On Floor Calendar Senate
- - Passed Assembly
 - Passed Senate
- Delivered to Governor
- Signed By Governor
-

Relates to improvements in shelter care for dogs

April 04, 2017

In Senate Committee [Agriculture](#)

Sponsored by [Patrick M. Gallivan](#)

Do you support this bill?

NAY