



Memorandum in Support

COMMITTEE ON ANIMALS AND THE LAW

Animals #4

March 10, 2025

S. 703
A. 2019

By: Senator Krueger
By: M. of A. Rosenthal
Senate Committee: Agriculture
Assembly Committee: Agriculture
Effective Date: Immediately

AN ACT to amend the agriculture and markets Law, in relation to aggravated cruelty to animals.

LAW AND SECTIONS REFERRED TO: Section 353-a of the Agriculture and Markets Law.

THE COMMITTEE ON ANIMALS AND THE LAW
SUPPORTS THIS LEGISLATION

This bill would amend the Agriculture and Markets Law Section 353-a (1) to provide that a person is guilty of felony aggravated cruelty to animals when, with no justifiable purpose, such person causes physical injury (rather than “serious” physical injury under the current law) to a companion animal if the person’s actions were intended to inflict extreme physical pain or were conducted in an especially depraved or sadistic manner, i.e. with aggravated cruelty.

In enacting Section 353-a (1), the Legislature correctly focused on the mental state of the perpetrator to intentionally cause unjustified physical harm, but the term “serious” physical harm confuses and complicates the application of the statute.

Section 353-a (1) has been interpreted by courts as inapplicable if a companion animal recovers completely from serious injuries sustained in perpetration of an act of aggravated cruelty. The perpetrator, then, may be found guilty of only misdemeanor cruelty under Section 353, even though such person’s action constitutes aggravated cruelty. In practical terms, if an animal has recovered from the injuries inflicted by an individual charged with aggravated cruelty by the time the case goes to court, judges have been reluctant to proceed with the more serious degree of cruelty.

This bill would make it clear that Section 353-a applies to all instances of aggravated cruelty regardless of the severity of the animal’s injuries. It clarifies the language of the statute so that courts, law enforcement officers and the public do not misunderstand its intent.

Opinions expressed are those of the Section/Committee preparing this memorandum and do not represent those of the New York State Bar Association unless and until they have been adopted by its House of Delegates or Executive Committee.

Federally and in the states, including New York, awareness is growing that animals are capable of experiencing extreme pain and suffering, and laws must be established to curtail acts of violence and cruelty against animals. The linkage between depraved animal cruelty and crimes against people is well-documented.¹ The FBI has reported with details documented from several sources how abusing animals desensitizes people to harming or killing humans² and how cruelty to animals is a frequent precursor to or co-occurs with violence against humans such as harm to intimate partners, children, and elders.³ One recently reported example is the way in which domestic terrorist groups such as No Lives Matter have historically encouraged members to engage in animal abuse.⁴ In August 2024, the New Jersey Office of Homeland Security and Preparedness stated that “No Lives Matter (NLM) follows an accelerationist extremist ideology and promotes targeted attacks, mass killings, and criminal activity.”⁵

Retaining the word “serious” in existing legislation should not exist as a means by which perpetrators avoid the consequences of felonious acts against animals.

For the foregoing reasons, the New York State Bar Association’s Committee on Animals and the Law **SUPPORTS** the passage and enactment of this legislation.

¹ Battered Woman’s Justice Project, Randour, Mary Lou, “Animal Abuse and Domestic Violence,” Jan. 2017, <https://bwjp.org/site-resources/animal-abuse-and-domestic-violence/> (last visited February 15, 2025).

² FBI Law Enforcement Bulletin, Robinson, Charlie and Victoria Clausen, “The Link Between Animal Cruelty and Human Violence,” Aug. 10, 2021. <https://leb.fbi.gov/articles/featured-articles/the-link-between-animal-cruelty-and-human-violence> (last visited February 15, 2024).

³ *Id.*

⁴ New Jersey Office of Homeland Security and Preparedness, Threat Landscape Notice “No Lives Matter Updates Extremist Messaging and Publishes Tactical Guides,” <https://www.njohsp.gov/Home/Components/News/News/1430/2> (August 21, 2024, 8:22 AM).

⁵ *Id.*

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