



Memorandum in Support

COMMITTEE ON ANIMALS AND THE LAW

Animals #23

May 23, 2025

S. 5514

A. 6556

By: Senator Hinchey

By: M. of A. Rosenthal

Senate Committee: Third Reading

Assembly Committee: Passed

Effective Date: 90th day after it shall have become law

AN ACT to amend the Civil Practice Law and Rules in relation to including consideration of recent acts of aggravated cruelty to animals as a factor to be considered when determining whether grounds for a temporary extreme risk protection order exist

LAW AND SECTION REFERRED TO: Section 6342 of the Civil Practice Law and Rules.

THE COMMITTEE ON ANIMALS AND THE LAW
SUPPORTS THIS LEGISLATION

The bill amends Section 6342 of the Civil Practice Law and Rules to add subparagraph “(h) evidence of recent acts of aggravated cruelty to animals as defined in section three hundred fifty-three-a of the agriculture and markets law” as a relevant factor to acts of the respondent that a court must consider in issuing a temporary extreme risk protection order (TERPO), also known as a “red flag order.” Aggravated cruelty to animals includes the intentional killing or intentional causing of serious physical injury to a companion animal and is defined as “conduct which (i) is intended to cause extreme physical pain, or (ii) is done or carried out in an especially depraved or sadistic manner.” Agriculture and Markets Law Section 353-a.

A court may issue a TERPO to prohibit a respondent from purchasing, possessing or attempting to purchase or possess a firearm, rifle or shotgun if the court finds probable cause that the respondent is likely to engage in conduct that would result in serious harm to themselves or others.

The existing statute requires the court to consider factors, including but not limited to a threat or act of violence or use of physical force directed toward the self, the petitioner or another person; a violation or alleged violation of an order of protection; any pending charge or conviction for an offense involving the use of a weapon; the reckless use, display or brandishing of a firearm, rifle or shotgun; any history of a violation of an extreme risk order of protection; evidence of recent or ongoing abuse of a controlled substance or alcohol; and evidence of the recent acquisition of a firearm, rifle, shotgun or other deadly weapon or dangerous ammunition. CPLR Section 6342.

The sole purpose of a TERPO is to restrict the respondent's access to firearms, rifles and shotguns. Unlike a domestic violence order of protection under Article 8 of the Family Court Act, a TERPO cannot order a person to stop threatening or committing abuse; stay away from home, school or a job; have no contact with the victim or others; follow custody orders or pay child or spousal support.

Research has evolved from viewing animal cruelty as an isolated issue to the realization that animal cruelty is either predictive of or occur simultaneously with cruelty toward humans, including children, elders and intimate partners.¹ This connection is now so widely recognized in professional, law enforcement and academic circles that it is referred to as "the Link."² The sponsor's memo recognizes how the Link led to New York Family Court Act Section 842, which includes animals in orders of protection. In 2016, the FBI recognized the importance of the Link and began collecting data on animal cruelty.³ In 2024, Colorado, New Jersey, Massachusetts and Vermont added animal cruelty to the definitions of "coercive control" within their state codes for domestic violence protection orders.⁴ New York State currently ranks 28th in state animal protection laws.⁵

New York State must pass this bill to improve the safety not only of humans, but of animals as well. This bill would help prevent the increased harm weapons bring to both animal cruelty and violence against humans. Possession or access to a gun increases the potential for harm from violence. It heightens the danger to both the human and the animal being abused.

An abuser may exert control over a victim by threatening to harm or actually inflicting harm on a beloved animal.⁶ Adding recent acts of aggravated animal cruelty as grounds for a TERPO helps prevent weapons from being in the hands of animal and human abusers. "Animal cruelty is a predictor of current and future violence, including crimes of assault, rape, murder, arson, domestic violence, and sexual abuse of children."⁷ Therefore, evidence of aggravated animal abuse should be considered among other grounds for issuance of a TERPO.

The majority of interpersonal violence victims reporting co-occurring animal cruelty fear the offender will kill them and are at high risk of suffering severe injury and death.⁸ Of 150 adult males arrested for animal cruelty, 41% were arrested for interpersonal violence, 18% were arrested for sexual offenses and 28% were arrested for other interpersonal offenses such as the violation of a restraining order or harassment.⁹ Adding aggravated cruelty to animals as a ground for issuing a TERPO would help to mitigate these fears and awful statistics. Considering the strength and ubiquity of the human-animal violence Link and the severity of gun violence harm, it is vital that this amendment be added to the statute.

¹ Charlie Robinson 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>; Am. Bar Ass'n Resolution 504, Feb. 3, 2025, <https://www.americanbar.org/content/dam/aba/directories/policy/midyear-2025/504-midyear-2025.pdf> (unanimously adopted by the Am. Bar Ass'n House of Delegates).

² ABA Resolution 504, *supra*.

³ Robinson and Clausen, *supra*.

⁴ Animal Legal Defense Fund, *2024 U.S. Animal Protection Laws Rankings*, <https://aldf.org/project/us-state-rankings/> at 14 (last visited May 20, 2025).

⁵ Animal Legal Defense Fund, *supra* at 3.

⁶ Robinson and Clausen, *supra*. Seventy-five percent of abused women with companion animals report that their companion animals were threatened or intentionally harmed by their intimate partners, with children being present and witnessing the abuse ninety percent of the time.

⁷ Robinson and Clausen, *supra*. This led to New York State's adoption of the 2018 Pets and Women Safety Act.

⁸ Robinson and Clausen, *supra*.

⁹ Robinson and Clausen, *supra*.

For all the reasons cited herein, the Committee on Animals and the Law **SUPPORTS** the passage and enactment of this legislation.