



Memorandum in Support

Animals # 21

May 28, 2025

S.3158

A.1816

By: Senator Skoufis

By: M. of A. Rosenthal

Senate Committee: Passed

Assembly Committee: Rules

Effective Date: This act shall take effect on the ninetieth day after it shall have become a law

AN ACT: to amend the penal law, in relation to adding animal fighting to the definition of "criminal activity" for purposes of enterprise corruption crimes

LAW AND SECTIONS REFERRED TO: Amends paragraph (b) of subdivision 1 of Section 460.10 of the Penal Law.

THE COMMITTEE ON ANIMALS AND THE LAW **SUPPORTS THIS LEGISLATION**

S.3158 / A.1816 amends New York's Enterprise Corruption statute, specifically Penal Law § 460.10(b)(1), by adding animal fighting as defined by Section 351 of the Agriculture and Markets Law to the list of criminal acts that may be considered as predicate acts within the context of enterprise corruption prosecution.

As the sponsor's memo notes, organized animal fighting "is not only a horrific experience for animals forced to fight to a violent death, but it often increases the number of drugs and illegal weapons available on the street through illicit trafficking enterprises taking place concurrently on-site." Long the subject of callous gamblers, the enduring existence of the horrific and inhumane practice of animal fighting encompasses vicious brutality towards animals from birth to their inevitable barbaric murders, whether in a bloody ring or at the hands of apathetic humans afterward.

The sponsor's memo further observes that presently "participation in an organized scheme to engage in animal fighting only constitutes a class A misdemeanor, chargeable under Conspiracy in the Fifth Degree, pursuant to PL § 105.05(1)." In *People v. Barizone*¹, the defendant "sold a pit bull puppy to an undercover officer under circumstances allegedly evincing an intent that such animal engage in animal fighting" but was ultimately acquitted of the animal fighting charge.

¹ 201 A.D.3d 810 (2d Dept. 2022)

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.

While his challenge to the PL §105.05(1) was unsuccessful after trial and before the Appellate Division, Second Department, the fact remains that his conviction was limited to that of a misdemeanor.

More generally, animal fighting rings are part of larger organized criminal enterprises that increase access to illicit drugs and illegal weapons, as well as significant money that is exchanged proximate to these brutal fights.

The unspeakable cruelty done to animals forced to fight and die in agony in order to benefit organized criminal enterprises will not only update New York's enterprise corruption law to better identify and prosecute those rings, but should ultimately provide some level of deterrent to reduce animal fighting from its role within these overarching criminal schemes.

The Committee on Animals and the Law supports this bill that recognizes the twisted role animals are forced to play for the sake of gambling and in furtherance of larger illegal enterprises. The Committee supports this bill because it acknowledges the role animal fighting plays in enterprise corruption criminal activity. Most of all, the Committee supports this bill because it can – to whatever eventual degree – help end this obscene yet enduring systemic abuse of animals.

For all the reasons cited herein, the New York State Bar Association's Committee on Animals and the Law SUPPORTS the passage and enactment of this legislation.