NEW YORK STATE BAR ASSOCIATION
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# COMMITTEE ON ANIMALS AND THE LAW
## Memorandum in Support

Animals #34

May 26, 2026

S.8581
A.9150

By: Senator Comrie
By: M. of A. Berger
Senate Committee: Codes
Assembly Committee: Codes
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, the agriculture and markets law, the education law and the administrative code of the city of New York, in relation to the crime of aggravated cruelty to animals; and to repeal section 353-a of the agriculture and markets law relating thereto

**LAW AND SECTIONS REFERRED TO**: Repeals Section 353-a and amends Section 374 of the Agriculture and Markets Law; adds new Sections 243.00 and 243.05 and amends Section 70.02 of the Penal Law; amends Section 6714 of the Education Law; amends Section 17-1601 of the NYC Administrative Code to conform.

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

S.8581 / A.9150 would strengthen New York's response to severe acts of animal cruelty by relocating the offense of aggravated cruelty to animals from the Agriculture and Markets Law into the Penal Law and classifying the offense as a class E violent felony offense.

Under existing law, aggravated cruelty to animals is codified in Section 353-a of the Agriculture and Markets Law.[1] While the offense is presently classified as a felony, the statute uniquely limits any sentence of imprisonment to a definite term not exceeding two years.[2] This sentencing limitation distinguishes aggravated cruelty to animals from other class E felonies and fails to reflect the gravity of intentional, sadistic acts of violence committed against companion animals.

This legislation would correct that inconsistency by placing aggravated cruelty to animals within the Penal Law alongside other serious violent offenses. By classifying the offense as a

[1] N.Y. Agric. & Mkts. Law § 353-a.
[2] *Id*.

class E violent felony, the bill would subject offenders to the same sentencing framework applicable to other violent felony offenses in New York, thereby eliminating the current two-year sentencing cap and ensuring proportional punishment for egregious acts of cruelty.[3]

The current statutory definition of aggravated cruelty already requires proof that a defendant intentionally killed or intentionally caused serious physical injury to a companion animal through conduct intended to inflict extreme physical pain or conduct carried out in an especially depraved or sadistic manner.[4] Such conduct is not merely neglectful or reckless; it is deliberate violence of the most extreme character.

The legislation would also permit courts to exercise appropriate bail discretion in cases involving extreme acts of intentional animal torture and sadistic abuse. Under New York Criminal Procedure Law § 510.10(4), courts may set bail for most felony offenses classified as violent felony offenses pursuant to Penal Law § 70.02.[5] By classifying aggravated cruelty to animals as a class E violent felony offense, the bill would make the offense generally bail eligible and restore judicial discretion to determine whether bail or remand is appropriate based upon the facts and circumstances of a particular case.[6]

The Legislature has long recognized the connection between animal cruelty and interpersonal violence. Numerous studies and law enforcement authorities have documented the correlation between acts of severe animal abuse and other forms of violent criminal conduct, including domestic violence, child abuse, and assaults against persons.[7] Strengthening penalties for aggravated cruelty appropriately reflects the seriousness of these offenses and their broader public safety implications.

Moving aggravated cruelty to animals into the Penal Law would also promote consistency and clarity within New York's criminal justice framework. Crimes involving intentional acts of torture, sadism, and serious physical injury are traditionally addressed within the Penal Law because they implicate core public safety concerns and societal condemnation of violent conduct. Retaining aggravated cruelty solely within the Agriculture and Markets Law unnecessarily minimizes the severity of the offense and creates an anomalous sentencing structure not applied to comparable violent crimes.

Importantly, the legislation preserves longstanding exemptions for lawful hunting, fishing, trapping, veterinary practices, scientific research, and other otherwise lawful conduct involving animals.[8] The bill narrowly targets intentional acts of extreme cruelty against companion animals and does not interfere with lawful agricultural, veterinary, wildlife management, or scientific activities.

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[3] *See* N.Y. Penal Law §§ 70.00, 70.02.
[4] N.Y. Agric. & Mkts. Law § 353-a(1).
[5] N.Y. Crim. Proc. Law § 510.10(4).
[6] *See* N.Y. Penal Law § 70.02(1) (enumerating violent felony offenses and sentencing classifications).
[7] *See*, *e.g.*, Federal Bureau of Investigation, "Animal Cruelty and the Link to Other Crimes"; National Link Coalition, "The Link Between Animal Abuse and Human Violence."
[8] N.Y. Agric. & Mkts. Law § 353-a(4).

The Committee on Animals and the Law has previously supported legislation removing the arbitrary two-year cap on imprisonment for aggravated cruelty to animals. S.8581 / A.9150 accomplishes that objective in a more comprehensive and rational manner by integrating aggravated cruelty offenses into the Penal Law's established sentencing structure for violent felonies.

New York has a compelling interest in deterring intentional acts of extreme violence toward animals, protecting vulnerable companion animals from torture and sadistic abuse, and ensuring that penalties adequately reflect the severity of such conduct. This legislation advances those interests while aligning New York's animal cruelty laws with modern understandings of the relationship between animal abuse and broader patterns of violence.

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