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Res No. 13

Resolution calling on the New York State Legislature to pass, and the Governor to sign, legislation amending New York State's Agriculture and Markets Law § 353-A, aggravated cruelty to animals, to require a conviction under this provision to carry a sentence of at least 3 years, and for multiple convictions to carry consecutive sentences of at least 3 years per conviction

By Council Members Ariola, Louis, Salaam, Morano and Paladino

Whereas, According to data collected by the New York City Police Department (NYPD), 2024 saw the highest number of complaints relating to animal cruelty since 2019, at 453 complaints; and

Whereas, According to the NYPD, arrests relating to animal cruelty were also the highest in 2024 since 2019, at 158 arrests; and

Whereas, According to The American Society for the Prevention of Cruelty to Animals, from the beginning of their partnership with the NYPD in January 2014 until April 9, 2024, more than 5,000 animals were treated for suspected cruel treatment in New York City; and

Whereas, Currently, animal cruelty arrests fall under one of two provisions of New York State Law; and

Whereas, A person who violates the first provision, Agriculture and Markets Law (AGM) § 353, overdriving, torturing and injuring animals; failure to provide proper sustenance, is considered guilty of a class A misdemeanor and shall not receive a sentence that exceeds 364 days; and

Whereas, A person who violates the second provision, AGM § 353-A, aggravated cruelty to animals, is guilty of a class E felony and may not receive a sentence of more than 2 years; and

Whereas, According to AGM § 353-A, a person is guilty under this provision if they intentionally kill or intentionally cause serious physical injury to a companion animal with aggravated cruelty; and

Whereas, Under AGM § 353-A, aggravated cruelty means conduct which is either intended to cause

extreme physical pain or which is done or carried out in an especially depraved or sadistic manner; and

Whereas, As defined by AGM § 108(29) and Penal Law § 10.00(10), serious physical injury is a physical injury or injuries which create a substantial risk of death, which cause death, or which cause serious protracted disfigurements, protracted impairment of health, or protracted loss or impairment of the function of any bodily organ; and

Whereas, Under AGM § 350(5), a companion animal is any dog, cat, or any other domesticated animal normally maintained in or near the household of the owner or person who cares for such domesticated animal and it does not include farm animals; and

Whereas, According to the New York City Bar Association (City Bar), AGM § 353-A was implemented on November 1, 1999, when New York State, following a trend that had been set by 17 other states, agreed that certain acts of cruelty towards animals should not be treated as misdemeanors and should be upgraded to felonies; and

Whereas, According to the City Bar, the State Legislature made several findings in its memorandum supporting the new statute, including that some innocent animals were subject to hangings, being set on fire, and being used as target practice for knife throwing; and

Whereas, Legislation, such as that proposed by this resolution, would further increase the severity with which New York State treats the most egregious cases of animal cruelty; and

Whereas, State Senator Monica Martinez introduced to the New York State Senate S.197 on January 8, 2025 and Assemblymember Jen Lunsford introduced a companion bill to the New York State Assembly, A.3050, on January 23, 2025, known collectively as Tucker's Law, which would remove the clause in provision AGM § 353-A mandating that sentences for aggravated cruelty to animals not exceed 2 years; and

Whereas, S.197/A.3050 would not, however, mandate that each sentence carry a length of at least 3 years nor would it mandate that each sentence for each conviction be served consecutively; now, therefore, be it

Resolved, that the Council of the City of New York calls on the New York State Legislature to pass, and

the Governor to sign, legislation amending New York State's Agriculture and Markets Law § 353-A, aggravated cruelty to animals, to require a conviction under this provision to carry a sentence of at least 3 years, and for multiple convictions to carry consecutive sentences of at least 3 years per conviction.

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