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March 10, 2014

The Honorable Sheldon Silver  
Speaker, New York State Assembly  
Legislative Office Building, Room 932  
Albany, NY 12248

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The Honorable Dean G. Skelos  
Majority Leader, New York State Senate  
Legislative Office Building, Room 909  
Albany, NY 12247

The Honorable Jeffrey D. Klein  
Leader, Independent Democratic Conference  
Legislative Office Building, Room 304  
Albany, NY 12247

Re: S.6643/A.775B – Consolidated Animal Crimes Bill

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Dear Speaker Silver, Majority Leader Skelos, and IDC Leader Klein:

On behalf of the District Attorneys Association of the State of New York (DAASNY), a voluntary organization comprised of the 62 elected District Attorneys in our State and the Special Narcotics Prosecutor of the City of New York, I write to you in support of S.6643/A.775B, the Consolidated Animal Crimes Bill (CACB). This bill would markedly improve the accessibility and comprehensibility of animal crimes statutes, benefitting law enforcement, attorneys, the judiciary, and the taxpayer.

This category of criminal law has gone without substantial revision since the mid-nineteenth century, with the result being arcane passages and outdated provisions. Indeed, at this point, there is virtually no technical or practical symmetry between animal crimes and other categories of crime. Many animal crimes lack definitional elements, lack interplay with provisions of the Criminal Procedure Law (including fingerprinting, DNA collection, record-keeping, and evidence collection), and persist in a state of case law rather than codified law.

The CACB endeavors to take patrol-scenario crimes, faced by municipal law enforcement, and re-structure them into the Penal Law. By placing animal crime shoulder-to-shoulder with other categories of crime in the Penal Law, there will be a streamlining of criminal procedure, training, legal terminology, and judicial philosophy. As the law currently stands, commercial, industrial, and patrol-scenario offenses are housed together in a body of law that has proven to be inaccessible by police. Not only is a patrol officer unlikely to have a copy of the Agriculture and Markets Law on-hand, but the desk officer is also unlikely to

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have a copy at headquarters. While there may be crimes housed outside the Penal Law – for example, tax crimes – there is seldom, if ever, a patrol dispatch requiring urgent response and action on a violation of the tax law. Animal crimes occur in the field, usually require emergency response, and involve complex search and seizure issues. Unfamiliarity, which begets trepidation and confusion, can be greatly detrimental to the eventual criminal case.

As Penal Law is mandatory curriculum at the police academies in New York State, this relocation will promote a much greater understanding of these crimes among field officers. In turn, the universal training will foster a paradigm shift in enforcement and adjudication of animal crimes – trained police agencies would increase enforcement, prosecutors and defense attorneys would encounter more cases, and the judiciary would develop procedural and legal familiarity.

Beyond the mere transplant, however, this bill modernizes statutory language and structure to more aptly match its sister-crimes. A long-standing issue has been that animal crimes do not present themselves like – or look like – other crimes. Therefore, even if an officer, lawyer, or judge were to find the law, comprehending the law has been a separate hurdle. Substantially and visually, the CACB conforms animal crimes to its sister-categories: offenses have been re-titled for clarity and order of precedence, offenses have been re-structured into manageable subdivisions, and offenses have been given appropriate and clear mental states.

Within the CACB text, there is heavy borrowing from terminology and format from other areas of the Penal Law. Beyond putting “a familiar face” on these statutes, the CACB also codifies case law interpretations of terminology – forever obviating the need for burdensome and lengthy motion practice. It is immensely desirable to limit motion practice in this category of crime, as an animal (and sometimes a great many) is potentially impounded during the entire length of the prosecution at enormous taxpayer expense.

In short, the average police officer will now be able to find the law, read the law, understand the law, and apply the law all while standing at a crime scene in the middle of the night. Prosecutors and defense attorneys will spend markedly less time in needless motion practice over the definition of obsolete terms or general applicability of passages. Judges will be better equipped to dispense justice on accused individuals. Indeed, clarity and consistency in the criminal court system are essential elements of due process.

For all these reasons, DAASNY strongly supports the Consolidated Animal Crimes Bill and looks forward to seeing this bill enacted into law.

Sincerely,



**KATHLEEN M. RICE**

District Attorney, Nassau County  
President, DAASNY

cc: Governor Andrew M. Cuomo