



Assemblymember Linda Rosenthal
Legislative Office Building LOB 821

Albany, NY 12248

by e-mail: RosentL@assembly.state.ny.us

Dear Assemblymember Rosenthal:

The League of Humane Voters® of New York fully supports your Assembly Bill A09781. The enactment of this bill would re-codify the animal cruelty laws from the Agriculture and Markets law to the Penal law.

Acts of aggravated animal cruelty would be more readily recognized by judges, prosecutors and police officers as crimes if statutes dealing with these offenses were in Penal Law.

The Agriculture and Markets laws are not associated, by and large, with felony criminal conduct. Thus, as long as the conduct is codified in the Agriculture and Markets law rather than the Penal law it is less likely to be considered as a "real crime." Moreover, while judges, prosecutors and police officers are generally familiar with the provisions of the Penal law, they are much less familiar with the provisions of the Agriculture and Markets law.

A recent news story reported by 1010WINS exemplifies that issue:

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Posted: Friday, 30 April 2010 7:58AM

Upstate Couple Convicted of Neglect in Horse Starving Case

GOSHEN, N.Y. (AP/ 1010 WINS) -- An Orange County judge says a town of Wallkill couple neglected their two starving horses but didn't deliberately abuse the animals. Judge Jeffrey Berry convicted Keum and Chong Lee Thursday of two misdemeanor cruelty charges but acquitted them of a felony charge of aggravated animal cruelty. Animal welfare groups had pushed for the more serious felony charge.

Assistant District Attorney Jamie Ferrara admitted the felony was difficult to prove because of the way the law is written.

Aggravated animal cruelty is an unclassified felony, punishable by up to two years in jail. A bill pending in the state Legislature would make it a Class E felony, punishable by up to 4 years in state prison. There would be even stiffer penalties for repeat offenders.

The Lees will be sentenced on June 25 and face up to a year in jail on each charge.

The horses are recovering at Equine Rescue in Bloomingburg.

We thank you for your sponsorship of this important legislation.

Sincerely

Peter Muller, Chair

The League of Humane Voters® of New York

Mission Statement of the League of Humane Voters®

The Mission of the League of Humane Voters® (LOHV) is to create, unite, and strengthen local political action committees, which work to enact animal-friendly legislation and elect candidates for public office who will use their votes and influence for animal protection.

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Chairman Joseph Lentol
Codes Committee
Legislative Office Building 632
Albany, NY 12248

by e-mail: LentolJ@assembly.state.ny.us

Dear Chairman Lentol:

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Assemblyman Thomas Alfano,
Codes Committee
Legislative Office Building 404
Albany, NY 12248

by e-mail: AlfanoT@assembly.state.ny.us

Dear Assemblyman Alfano:

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Assemblyman George Amedore,
Codes Committee
Legislative Office Building 426
Albany, NY 12248

by e-mail: AmedoreG@assembly.state.ny.us

Dear Assemblyman Amedore:

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Assemblyman Philip Boyle,
Codes Committee
Legislative Office Building 402
Albany, NY 12248

by e-mail: BoyleP@assembly.state.ny.us

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Assemblywoman Vivian Cook,
Codes Committee
Legislative Office Building 939
Albany, NY 12248

by e-mail: CookV@assembly.state.ny.us

Dear Assemblywoman Cook:

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Assemblymember James F. Brennan,
Codes Committee
Legislative Office Building 842
Albany, NY 12248

by e-mail: BrennaJ@assembly.state.ny.us

Dear Assemblymember Brennan:

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Assemblyman Steven Cymbrowitz,
Codes Committee
Legislative Office Building 538
Albany, NY 12248

by e-mail: CymbroS@assembly.state.ny.us

Dear Assemblyman Cymbrowitz:

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Assemblyman Tony Jordan,
Codes Committee
Legislative Office Building 725
Albany, NY 12248

by e-mail: JordanJ@assembly.state.ny.us

Dear Assemblyman Jordan:

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Assemblymember Rory Lancman,
Codes Committee
Legislative Office Building 549
Albany, NY 12248

by e-mail: LancmanR@assembly.state.ny.us

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Assemblymember Daniel O'Donnell,
Codes Committee
Legislative Office Building 819
Albany, NY 12248

by e-mail: OdonnellD@assembly.state.ny.us

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Assemblymember Charles Lavine,
Codes Committee
Legislative Office Building 402
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by e-mail: LavineC@assembly.state.ny.us

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Assemblyman N. Nick Perry,
Codes Committee
Legislative Office Building 704
Albany, NY 12248

by e-mail: PerryN@assembly.state.ny.us

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by e-mail: SchimmR@assembly.state.ny.us

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Acts of aggravated animal cruelty would be more readily recognized by judges, prosecutors and police officers as crimes if statutes dealing with these offenses were in Penal Law.

The Agriculture and Markets laws are not associated, by and large, with felony criminal conduct. Thus, as long as the conduct is codified in the Agriculture and Markets law rather than the Penal law it is less likely to be considered as a "real crime." Moreover, while judges, prosecutors and police officers are generally familiar with the provisions of the Penal law, they are much less familiar with the provisions of the Agriculture and Markets law.

A recent news story reported by 1010WINS exemplifies that issue:

Reported by 1010 WINS

Posted: Friday, 30 April 2010 7:58AM

Upstate Couple Convicted of Neglect in Horse Starving Case

GOSHEN, N.Y. (AP/ 1010 WINS) -- An Orange County judge says a town of Wallkill couple neglected their two starving horses but didn't deliberately abuse the animals.

Judge Jeffrey Berry convicted Keum and Chong Lee Thursday of two misdemeanor cruelty charges but acquitted them of a felony charge of aggravated animal cruelty.

Animal welfare groups had pushed for the more serious felony charge.

Assistant District Attorney Jamie Ferrara admitted the felony was difficult to prove because of the way the law is written.

Aggravated animal cruelty is an unclassified felony, punishable by up to two years in jail. A bill pending in the state Legislature would make it a Class E felony, punishable by up to 4 years in state prison. There would be even stiffer penalties for repeat offenders.

The Lees will be sentenced on June 25 and face up to a year in jail on each charge. The horses are recovering at Equine Rescue in Bloomingburg.

We ask for your support of this important legislation.

Sincerely

Peter Muller, Chair

The League of Humane Voters® of New York

Mission Statement of the League of Humane Voters®

The Mission of the League of Humane Voters® (LOHV) is to create, unite, and strengthen local political action committees, which work to enact animal-friendly legislation and elect candidates for public office who will use their votes and influence for animal protection.

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Assemblyman J. Gary Pretlow,
Codes Committee
Legislative Office Building 845
Albany, NY 12248

by e-mail: PretloJ@assembly.state.ny.us

Dear Assemblyman Pretlow:

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Assemblywoman Michele Titus,
Codes Committee
Legislative Office Building 741
Albany, NY 12248

by e-mail: TitusM@assembly.state.ny.us

Dear Assemblywoman Titus:

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Assemblyman Keith L. T. Wright,
Codes Committee
Legislative Office Building 844
Albany, NY 12248

by e-mail: WrightK@assembly.state.ny.us

Dear Assemblyman Wright:

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Assemblyman Lou Tobacco,
Codes Committee
Legislative Office Building 433
Albany, NY 12248

by e-mail: TobaccoL@assembly.state.ny.us

Dear Assemblyman Tobacco:

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Assemblyman Kenneth Zebrowski, Jr.,
Codes Committee
Legislative Office Building 631
Albany, NY 12248

by e-mail: ZebrowskiK@assembly.state.ny.us

Dear Assemblyman Zebrowski:

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