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**TESTIMONY OF THE ANIMAL LAW COMMITTEE**

**SENATOR AVELLA'S PUBLIC FORUM ON  
ANIMAL PROTECTION ISSUES  
JANUARY 17, 2014 - 10:30 A.M.**

My name is Lori Barrett and I am testifying on behalf of the Animal Law Committee of the New York City Bar Association.

Thank you for hosting this public forum on animal protection issues and for the animal protection legislation that you have introduced and supported. The Animal Law Committee has commented on dozens of state bills that would improve the lives of animals in New York State. Because our time is limited, we will briefly summarize our position on three such bills that we hope will be enacted into law this year.

**1. THE TRAVELING EXOTIC ANIMAL PROTECTION ACT**

We urge you to support the Traveling Exotic Animal Protection Act (Senate Bill No. 5971), which would add a new section 352 to the Agriculture and Markets Law to restrict any “traveling circuses or show” from allowing the “participation of an exotic or wild animal, including a non-human primate, in an animal act if during the thirty day period preceding such participation, such animal was traveling in a mobile housing facility.”<sup>1</sup> The Animal Welfare Act and Article 26 of the N.Y. Agriculture & Markets Law have not effectively protected circus animals who perform in New York from conditions inherent in circuses involving animal shows. The tricks that circus animals are forced to perform can involve physical coercion and abuse; the extensive travel and prolonged confinement of animals in circuses can be detrimental to their physical and psychological health and welfare; and the public safety and the safety of workers may be put at risk by the exhibition of wild and exotic animals in circuses. Several countries have banned the use of animals in circuses including Israel, Greece, and the Netherlands. And several cities in the United States have banned or limited circuses such as Hollywood, Florida, Boulder, Colorado, and Somerville, Massachusetts.

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<sup>1</sup> Report in support of A.5407/S.5971, New York City Bar Association Animal Law Committee, Jan. 2014, available at <http://www2.nycbar.org/pdf/report/uploads/20072638-RestrictionsofWildAnimalsinCircuses.pdf>.

## **2. THE BILL TO BAN FOIE GRAS**

The Animal Law Committee supports your bill (Senate Bill No. 456) to ban the force feeding of birds for the production of foie gras, which has been recognized as inhumane.<sup>2</sup> New York is the only state in the United States where birds are force fed for foie gras production and more than a dozen countries have passed laws outlawing this cruel practice. Presently there is no law that specifically protects ducks and geese from this cruel practice, so your bill is extremely important.

## **3. THE CONSOLIDATED ANIMAL CRIMES BILL**

The Animal Law Committee urges you to support the Consolidated Animal Crimes Bill (Senate Bill No. 1776. As the bill's sponsor, Senator Fuschillo, has left the Senate, we understand the bill would need to be reintroduced.).<sup>3</sup> If enacted, the Consolidated Animal Crimes Bill would clarify, modernize, and restructure the animal crimes law of New York State thereby promoting greater enforcement and consistent interpretation of animal crimes by law enforcement, attorneys, and the judiciary. Many animal crime provisions - including the most basic anti-cruelty laws - contain language from the 19<sup>th</sup> century that is both arcane and unfamiliar particularly to law enforcement which commonly receive no training regarding animal crimes due to the location of these provisions in the Agriculture and Markets Law (as opposed to the Penal Law). The Bill would remedy these issues by relocating animal crimes provisions to the Penal Law (resulting in training in animal crimes by all law enforcement), clarifying statutory terms, establishing clear elements for animal crimes, including requisite mental states of culpability, delineating sentencing provisions, and enhancing penalties for aggravated crimes and repeat offenders.

Thank you again for providing this opportunity to speak.

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<sup>2</sup> Report in support of S.456, New York City Bar Association Animal Law Committee, June 2013, *available at* <http://www2.nycbar.org/pdf/report/uploads/20072525-ProhibitingofForceFeedingBirds.pdf>.

<sup>3</sup> Report in support of A.775-A/S.1776, New York City Bar Association Animal Law Committee, March 2013, *available at* <http://www2.nycbar.org/pdf/report/uploads/20072439-ConsolidatedAnimalCrimesLaw.pdf>.