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**REPORT ON LEGISLATION BY THE  
ANIMAL LAW COMMITTEE  
CHILDREN AND THE LAW COMMITTEE AND  
DOMESTIC VIOLENCE COMMITTEE**

**H.R. 1258**

**Rep. Clark**

An Act to protect the pets of victims of domestic violence, sexual assault, stalking, and dating violence.

**Pet and Women Safety Act**

**THIS LEGISLATION IS APPROVED WITH RECOMMENDATIONS**

**SUMMARY OF THE PROPOSED LEGISLATION**

The proposed legislation would amend certain sections of the Violence Against Women Act, 18 USC §§ 2241 *et seq.* (“VAWA”), to extend protection and support for the pets<sup>1</sup> of victims of domestic violence, sexual assault, stalking and dating violence.

Specifically, the proposed legislation would amend VAWA to prohibit threats and acts of violence against a victim’s pet by including in 18 USC § 2261A (the interstate stalking law) a prohibition on conduct that places a person in reasonable fear of the death of, or serious bodily injury to, that person’s pet. The proposed legislation would also include in 18 USC § 2262 a prohibition on interstate violations of protective orders for pets. In addition, the proposed legislation would amend 18 USC § 2264 to include restitution for veterinary services relating to physical care for the victim’s pet. Finally, the proposed legislation would establish an emergency and transitional pet shelter and housing assistance grant program under which the Secretary of Agriculture, acting in consultation with the Director of Violence Against Women Office of the Department of Justice, the Secretary of Housing and Urban Development, and the Secretary of Health and Human Services, shall grant awards to eligible entities to carry out programs to provide assistance to victims of domestic violence with pets. Such assistance would include shelter and housing services, pet care services, and training programs on the link between animal cruelty and other forms of violence.

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<sup>1</sup> The term “pet” as used in the proposed legislation is defined to mean “a domesticated animal, such as a dog, cat, bird, rodent, fish, turtle, horse, or other animal that is kept for pleasure rather than for commercial purposes.”

## JUSTIFICATION

A well-established and growing body of research has demonstrated a connection between animal cruelty and violence against humans, including domestic violence and child abuse. Animals are often used as a tool to control and harm human victims of domestic violence and child abuse.<sup>2</sup> Perpetrators may threaten or abuse a victim's pet to terrorize the victim, as punishment or revenge, to isolate and take away an important source of comfort for the victim, and to intimidate victims into keeping silent about family violence or to prevent them from leaving the abuser. The message the abuser is sending to the human victim is, "Look what I can do to your animal, and imagine what I can do to you."<sup>3</sup>

Studies of domestic violence victims seeking shelter services show that 71% of victims of domestic violence who were pet owners reported that abusers had threatened, harmed, or killed their pet, with 87% of these incidents occurring in the presence of the victims to control them.<sup>4</sup> Actual harm or killing of the animal by the abuser (including through acts of omission such as neglecting to provide food, water or veterinary care, but more often through acts of violence such as beating, throwing, drowning, burning or shooting a victim's animals) was reported by 58% of domestic violence victims.<sup>5</sup>

Family violence victims may stay in an abusive environment to protect a beloved animal, if they are not able to move to safe housing with the animal.<sup>6</sup> Studies have shown that up to 48% of domestic violence victims have delayed leaving a dangerous situation or have returned to their abuser because they feared for their pets' safety.<sup>7</sup>

In recognition of the link between animal cruelty and family violence, nearly half of all states have laws that include animals in orders of protection.<sup>8</sup> Additionally, a number of state

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<sup>2</sup> It is estimated that one million animals are abused or killed each year in the U.S. in domestic violence situations. Animal Cruelty Facts and Statistics, Humane Society of the United States, [http://www.humanesociety.org/issues/abuse\\_neglect/facts/animal\\_cruelty\\_facts\\_statistics.html](http://www.humanesociety.org/issues/abuse_neglect/facts/animal_cruelty_facts_statistics.html) (all internet citations listed herein last visited Jan. 28, 2015).

<sup>3</sup> Cynthia Hodges, *The Link Between Animal Cruelty and Violence Toward People*, 2007, [http://www.incasa.org/PDF/2011/animal\\_human\\_violence.pdf](http://www.incasa.org/PDF/2011/animal_human_violence.pdf).

<sup>4</sup> Frank R. Ascione, Ph.D, Claudia V. Weber, M.S., and David S. Wood, *Animal Welfare and Domestic Violence*, April 25, 1997.

<sup>5</sup> Frank Ascione, *Battered Women's Reports of Their Partners' and Their Children's Cruelty to Animals*, *Journal of Emotional Abuse*, Vol. 1(1) 1998.

<sup>6</sup> *Domestic Violence and Animal Abuse*, N.Y.S. Office for Prevention of Domestic Violence Bulletin, Summer 2010, available at [http://www.opdv.ny.gov/public\\_awareness/bulletins/summer2010/summer2010\\_bulletin.pdf](http://www.opdv.ny.gov/public_awareness/bulletins/summer2010/summer2010_bulletin.pdf).

<sup>7</sup> Sherry Ramsay, Mary Lou Randour, Nancy Blaney & Maya Gupta, *Protecting Domestic Violence Victims by Protecting their Pets*, Today: A Publication of the National Council of Juvenile and Family Court Judges, Spring 2010; Ascione, F. R., Weber, C. V., Thompson, T. M., Heath, J., Maruyama, M., & Hayashi, K. (2007). *Battered pets and domestic violence: Animal abuse reported by women Experiencing intimate violence and by non-abused women*. *Violence Against Women*, 13, 354-373.

<sup>8</sup> See e.g., justification memo for NYS Assembly Bill 10767-2006/ Senate Bill No. 7691-2006, codified at NY FAM CT §842 (i) (noting that "often abusers, in an effort to control and threaten their partners, harm or kill their pets.").

laws specifically identify harm or threats of harm to an animal to constitute acts of domestic violence.<sup>9</sup>

The majority of American households have pets and it is estimated that 74% of women entering domestic violence shelters owned pets in the prior 12 months.<sup>10</sup> However, nationwide there are currently only 70 co-sheltering programs for victims of domestic violence and their pets.<sup>11</sup> Given that such a small fraction of domestic violence shelters accept animals, family violence victims with pets often find themselves in the dilemma of having either to stay in abusive homes to protect their animals or risk the lives of their animal companions if they leave. Expansion of federal protections, programs and resources for family violence victims with pets is necessary to ensure that all victims of domestic violence—including those with pets—have access to sheltering and support for their entire family.

## **RECOMMENDATION**

In light of the serious needs of domestic violence victims with pets, and the general lack of state and local support services for such persons and their pets, we recommend that the Violence Against Women Act be further amended to require that any entity receiving federal funds for domestic violence programs take into account the needs of domestic violence victims with pets.<sup>12</sup>

## **CONCLUSION**

For the aforementioned reasons, we support the proposed legislation and offer the recommendation above to strengthen the proposed legislation.

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<sup>9</sup> See, e.g., Ind. Code Ann. § 31-9-2-42 (4) (Injuring or killing an animal with the intent to threaten a family member may be considered an act of domestic violence); Fla. Stat. § 741.30(3)(b) (Court may consider abuse or killing of a pet as a factor for a domestic violence injunction); Fla. Stat. § 741.30(6)(b)(4) (Violence or threats of violence against a pet may be considered a factor in determining if petitioner is in imminent danger of becoming a victim of domestic violence); 23 Pa.C.S. § 6107 (b)(3)(ii)(E)(II) (Killing or threatening to kill a pet constitutes abuse that can constitute grounds for granting a temporary order that requires the defendant to relinquish all firearms as part of a domestic violence protection order).

<sup>10</sup> Ascione, 1998.

<sup>11</sup> We note that only one such program exists in New York City: The Urban Resource Institute's PALS Program (People and Animals Living Safely). See URI People and Animals Living Safely (URIPALS), Urban Resource Institute, <http://urinyc.org/domestic-violence/pals/>.

<sup>12</sup> We note that existing federal law conditions the receipt of federal funds for certain state and local human services programs upon the implementation of programs to assist persons with pets. See e.g., Pet Evacuation and Transportation Standards Act (Public Law 109-308), <http://www.gpo.gov/fdsys/pkg/PLAW-109publ308/pdf/PLAW-109publ308.pdf> (requires state and local emergency preparedness operational plans to take into account the needs of persons with household pets and service animals).