

Statement of Helen E. Jones, Executive Director, The National Catholic Society for Animal Welfare, to the Temporary Commission on Revision of the Penal Law and Criminal Code, County Lawyers Association Building, 14 Vesey Street, New York City, November 23, 1964

My name is Helen E. Jones and I am executive director of The National Catholic Society for Animal Welfare which has headquarters at 1346 Connecticut Avenue, N.W., Washington, D. C.

I make this statement in behalf of the New York State Members and Associate Members of The National Catholic Society for Animal Welfare who are residents of virtually every city and county in the State.

We have carefully considered Article 250.35, the proposed revision to the New York Penal Law which would restate existing Penal Law Sections 181, 182, 185, 186, 187, 189, 190, 191 and 194.

We respectfully oppose the proposed revision and urge that the existing Sections be retained without change.

Our reasons for opposing the revision are:

1. The revision would strike out the many specific definitions of cruelty now contained in the Penal Law.
2. The present level of clarity of the Penal Law sections on Cruelty to Animals represents nearly 100 years work beginning with the pioneering efforts of Henry Bergh, founder of the American humane movement who brought about enactment in New York State of the first laws for the protection of animals and children. All that effort, which makes the New York State law on Cruelty to Animals one of the clearest and most effective, with the exception of one of its sections, of all our State laws, would be undone by the proposed revision.
3. The proposed revision would make the work of law enforcement agencies and the Court more difficult.

4. The proposed revision would weaken the New York State Penal Law on Cruelty to Animals.

This Society has made a study of worldwide laws for the protection of animals and the prevention of cruelty. That study revealed that our laws on animals are by no means the most advanced and are indeed considerably weaker and less effective than the laws of a number of other leading nations. Ours are weak and limited by comparison, for example, with the laws of England which have been added to time and again over the years since 1822. If any revision to the Penal Law sections on animals is contemplated it should be to strengthen and add to the existing law, not to weaken or limit it.

We also oppose a suggestion which has been made to the effect that, as an alternative to exempting the section relating to animals from the Penal Law revision, the existing laws be transferred to the Agriculture and Markets Law or other appropriate law or to the unconsolidated laws. That proposal is unworkable and would severely impede the work of agencies empowered to uphold the laws of New York State relating to Cruelty to Animals. Moreover, it would add to the work of the Commissioner of Agriculture or of the other officials or agencies to which the suggestion might be applied.

We are aware that the revision is based on a model Penal Code proposed by the American Law Institute. To the best of our knowledge the American Law Institute consulted with no authorities in the animal welfare field in drafting its section on Cruelty to Animals, yet the enforcement of laws relating to animals and the prosecution of cases of cruelty is a highly specialized field of law.

We appreciate the intent of the American Law Institute and of this Commission to reform the Penal Code, though we must oppose the section on animals.

Since the founding of the American humane movement and the enactment of the first animal protective laws, New York State law on animals has influenced the nation. We fear that the harm that would be done by adoption of the proposed revision would not be limited to New York State but would lead to similar weakening revisions to the laws of other states.

We respectfully oppose the revision proposed by Article 250.35 and request that the existing penal code sections on animals be retained.

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