



# THE HUMANE SOCIETY of the United States

DEC 11 1964

1145 - 19th Street, N.W.

Washington, D. C. 20036

December 9, 1964

New York State Commission on Revision  
of Penal Law and Criminal Code  
155 Leonard Street, Room 654  
New York 13, New York

Gentlemen:

The Humane Society of the United States, on behalf of a large membership and several affiliated humane societies in the State of New York, wishes to state its position with regard to the proposed revision of the Penal Law of New York, specifically with reference to Section 250.35.

The Society urges that the full language of the present law be retained in any revision of the Penal Law. The body of law represented by the present statutes has served well to promote the public interest in deterring crimes against public decency of which they are a part. Section 250.35 of the proposed New York Penal Law dealing with cruelty to animals would greatly alter the primary purpose of anti-cruelty laws.

While our Society views the good intentions of the Commission with sympathetic understanding, the practical problems which would arise from deletion of certain terms and the addition of new, qualifying terms would virtually make the laws ineffectual for prosecution.

The existing code has been used for many years by agents of humane societies throughout the state, is well understood by them, and will continue to serve the desired purpose.

It has always been essential that the laws involving cruelty to animals be detailed to the extent that the purpose of such laws is made clear to the courts. The definitions contained in the present statutes are important as guide lines and guide posts to assist the courts in making their determinations as to whether any set of facts and circumstances constitutes a torture or cruelty.

## OFFICERS AND DIRECTORS

Robert J. Chenoweth, Chairman of the Board, Kansas City, Mo.; D. Collis Wager, Vice Chairman, Utica, N.Y.; Oliver Evans, President, Washington, D.C.; Edward M. Bostick, Treasurer, Falls Church, Va.; Grace Conahan, Secretary, Webster Groves, Mo.; Cleveland Amory, New York, N.Y.; Dr. Myra Babcock, Detroit, Mich.; Edith J. Goode, Washington, D.C.; Rev. Charles N. Herrick, Derby, Conn.; Frederic D. Kerr, San Rafael, Calif.; Prof. James T. Mehorter, Maplewood, N.J.; Mrs. George F. Milliken, New York, N.Y.; Jacques Sichel, Union, N.J.; F. L. Thomsen, St. Petersburg, Fla.; Mrs. Edward S. Voss, Monkton, Md.; G. Martin Winemiller, Findlay, Ohio. HONORARY DIRECTORS: Mrs. Bolling Barton, Pikesville, Md.; C. Edward Boggs, Hong Kong; Irene Castle, Lake Forest, Ill.; Mildred Fitz-Hugh, Lake Forest, Ill.; Guy P. Miller, Hutchinson, Kans.; Mrs. M. D. Ravenscroft, Santa Barbara, Calif.; Arthur P. Redman, Seattle, Wash.; Mrs. Alice Wagner, Mountainside, N. J.; Alice Morgan Wright, Albany, N.Y.

We have also learned from broad experience that when a prosecutor adds the words "wilfully" or "intentionally" to his complaint or information the case is usually dismissed.

For the reasons stated, this Society is firmly convinced that animal welfare work, particularly the protection of animals from cruelty, in New York State will suffer irreparable damage if the draft Penal Law is adopted. This society urges the retention in full of the wording of the present laws relating to animals.

Very truly yours,

  
Oliver Evans,  
President