

## SPECIAL COMMITTEE ON ANIMALS AND THE LAW

**S.1282/A.1990**

**By:** Maltese/Tonko  
**Status:** Senate/Calenda  
Assembly Codes  
**Effective Date:** the 90<sup>th</sup> day following  
enactment

**AN ACT** to amend the agriculture and markets law, in relation to the confinement of companion animals in vehicles in extreme temperatures.

**Law and sections referred to:** adds a new section 353-c to the agriculture and markets law.

**Report prepared by:** The Special Committee on Animals and the Law

### **THIS BILL IS RECOMMENDED FOR PASSAGE**

S.1282/A.1990 would add section 353-c to the agriculture and markets law to address the issue of confinement of a companion animal in a vehicle during extreme hot or cold temperatures without proper ventilation or other protection from the temperatures. This bill would create a violation for such conduct. The bill would also provide a measure for police officers or peace officers to take necessary steps to remove the animal if the owner cannot be promptly located. The officer would be required to leave a note on the vehicle providing the owner with information on the name of the officer and where the animal has been taken. Any seized animals would be brought to the humane society or society for the prevention of cruelty to animals in the jurisdiction where the animal was seized. The bill also provides that any person guilty of such violation would be fined not less than \$50.00 but not more than \$100.00 for the first offense. The fine would increase to not less than \$100.00 but not more than \$250.00 for the second or subsequent offenses. Finally, any officer acting reasonably and in good faith to enforce this section would not be held criminally or civilly liable for seizing the animal.

The new law would apply only when confinement of a companion animal in a vehicle in extreme temperatures without adequate ventilation places the animal in imminent danger of death or serious physical injury.

On a 78° degree day the inside of a car parked directly in the sun can reach 160° degrees in minutes. Animals left inside vehicles can succumb to heat stroke in just 15 minutes. Dogs have the hardest time beating the heat because the only way they can cool themselves is by panting and sweating through their paw pads.

It is not just extreme heat that is the problem. Similarly, if an animal is left in a car during cold weather months, the car's engine, when off, acts as a refrigerator holding in the cold. In this instance, the animal's life is also in imminent danger.

In the wake of this problem, other states such as Arizona and California, have taken action by recently passing very similar bills. Currently in New York, police and peace officers report being uncertain as to when and if they can enter a vehicle to save a companion animal trapped inside and obviously in distress due to extreme temperatures and inadequate ventilation or heat. A.1990/S.1282 will merely provide the clarity lacking in the current law by giving law enforcement a clear directive as to when officers can act to rescue a companion animal endangered by confinement in a vehicle in extreme temperatures.

By expressly authorizing police and peace officers to enter vehicles and remove companion animals in distress in certain delineated circumstances, this legislation will no doubt prevent needless tragedies, such as those recounted in news stories each summer involving dogs trapped in vehicles that die or suffer terrible injury before help can reach them. Police or peace officers who act reasonably and in good faith in carrying out the provisions of this law would be immune from criminal and civil liability for their actions. Prompt action by the police and peace officers in these situations could significantly reduce the number of animal injuries and deaths caused by the extreme temperature. This legislation is necessary in order to achieve that goal.

For the foregoing reasons this bill is recommended for passage by the Assembly and Senate.

**Chair of the Committee: Holly Kennedy Passantino, Esq.**