



New York State Conservation Council Inc.
8 East Main Street, Ilion, New York 13357-1899

MEMORANDUM IN OPPOSITION

Bill # **A 5050** Rosenthal Same as **S 620** Boyle

Title: Amends the agriculture and markets law by expanding the scope of the aggravated cruelty to animals prohibition to include wildlife.

The objective of this bill is to extend coverage of the animal cruelty law to cover wildlife – an area that is was never intended to cover.

Justification:

The New York State Conservation Council is opposed to this legislation. It is much too likely to result in attempts at “legislation by litigation.”

We believe that if this proposal is enacted hunters, fishermen and trappers will be at risk for malicious prosecution by those opposed to all forms of wildlife harvesting. By declaring all forms of hunting, trapping and angling to be (as it may be in their eyes) aggravated cruelty, spurious but well publicized charges could follow, necessitating a costly, if eminently successful, legal defense.

While there can be no justification for cruelty to wildlife, the proposed changes are neither necessary nor desirable. Cruelty to wildlife can be punished under current law, albeit at the misdemeanor level. The implementation of broad statutory changes, with the potential for unintended consequences, to address an isolated egregious incident is a poor legislative practice.

While the bill states that “Nothing contained within this section shall be construed to prohibit or interfere in any way with anyone lawfully engaged in hunting, trapping or fishing as provided in article eleven of the conservation law,” there are too many words open to interpretation by too many people for us to feel comfortable, particularly when dealing with a felony offense.

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