

LAWS THAT PROTECT ANIMALS

This unit was developed in conjunction with the New York State Bar Association, Special Committee on Animals and the Law.

Grades: 4 - 8

Unit Overview:

People have a responsibility to refrain from behavior that causes injury to other human beings or to animals. That responsibility is defined in laws and in the decisions of our courts and administrative agencies, such as health and state departments of agriculture. This unit will explore laws that are designed to protect animals as well as provide information about organizations that help to make and enforce laws.

Objective I:

Affective:

- Students will be able to explain the reasoning behind a variety of laws that exist to protect animals.

Academic:

- Students will read and comprehend laws.

Motivation: Encourage students to volunteer their own experiences about interacting with their companion animals? Do they walk their dogs on leashes in public places and why? Have their cats or dogs been spayed or neutered? If their companion animals have had puppies, kittens, how do they find suitable homes for these animals?

Procedure:

Mini-lesson:

- 1) Discuss one or more of the following laws with students. See Appendix A for copies of the laws. Visit the ASPCA Law Manual, New York State Laws at <http://www.asPCA.org/site/PageServer?pagename=nyslaw> for more information on other New York State laws pertaining to animals.
 - Law 353: The Anti-Cruelty Law
 - Law 353-a: The Aggravated Anti-Cruelty Law
 - Law 355: The Anti-Abandonment Law

- Law 351: The Anti-Dog-Fighting Law

- 1) What does each law require?
- 2) What are the penalties for breaking the law?
- 3) Why do you think that each law is important?
- 4) Watch for information on Law 353-b. This law is important because it deals with providing dogs that are kept outside with adequate shelter to protect them from rain, snow, cold and heat.

Note: The readability level of these laws is high. Teachers may have to translate these laws into simpler language for students in grades 4 – 8.

Small Group Activity:

- 1) Divide the students into groups and have each group search periodicals -- suitable to the group's reading level -- for news stories and features about (a) cruelty to companion animals, (b) abandonment of companion animals and (c) dog-fighting.
- 2) Have each group of students report back to the class about what they learned. What law was broken? What penalties were imposed upon people for breaking the law?



Objective II:

Affective:

- Students will be able to give examples about the role of law enforcement agencies and legislators in preventing cruelty to animals.

Academic:

- Students will listen and read to acquire information.
- Students will analyze and evaluate information and issues using evaluative criteria from a variety of perspectives.

Motivation:

Invite a law enforcement officer to address the class by contacting your local humane society or police department. Ask her/him to discuss unlawful activities involving animals such as cruelty to animals, abandonment of animals and dog-fighting. Have her/him address efforts underway to stop the illegal activity. Ask the officer to explain how the students

can assist law enforcement officers merely by being observant in their own community. The students may also be encouraged to watch *Animal Precinct* as a means of learning more about the role of law enforcement agencies. If you are unable to get a law enforcement officer to visit the class, assign specific episodes of *Animal Precinct* and then discuss the program viewed with the class. What illegal activities did officers interfere with? What happened to the animal in each episode? Were any fines or other penalties imposed on the people?

Mini-lesson:

- 1) The teacher may want to spend some time discussing how a bill becomes a law as part of this unit. For background information, go to *American History Syllabus* at www.socialstudieshelp.com. Click onto "American History." Type in "Bill Becomes Law" in "Search this site" box and click onto "find." Click onto "How a bill becomes a law."
- 2) Select a recently introduced bill dealing with animal issues to discuss with your class. To find information on the Internet, log onto www.assembly.state.ny.us. Click onto "Bill Search and Legislative Information." Click onto "Search by Keyword." Type in "Animal." Click on "Search." This will get you to a list of bills (proposed legislation). A summary of each bill you select, the number of the bill, the senate equivalent and the name of the sponsor can be found at this site. A similar listing can be found at www.senate.state.ny.us. Try to choose a bill that appears important and logical. You may want to call your local or state humane society's education department for help in selecting a bill for class discussion.
- 3) Highlight the key points of the bill on a chart or overhead transparency. Introduce the chart and discuss the key points with the students. At several points have the students "turn and talk" to their partner discussing why they think the bill is useful or important or why not. Stress accountable talk. During turn and talk, the teacher circulates and participates in various discussions. Bring the class together to share key points of their discussions.

Small Group Activity:

- 1) As a class, have the students select an animal-related problem in their community that they think could be solved by legislation.
- 2) Have groups of students develop ideas for how this problem could be solved. Have each group draft a proposal to be submitted to community leaders, which would solve the problem to the benefit of the animals and people who live there. Have each group report back to the entire class with their ideas.

Summary:

- 1) As part of a computer lab, library project or homework, have groups of students identify local legislators or public officials who have introduced legislation pertaining to animal

matters. This can be done by visiting the web sites of the legislative bodies under study at www.assembly.state.ny.us and www.senate.state.ny.us. If their own representative has not introduced legislation of this nature, students can identify other legislators or public officials within New York State who have done so. What legislation has been introduced? Does the student think the legislation is important or not, and why?

- 2) Help students to learn about additional laws that exist to protect animals. Log onto www.assembly.state.ny.us. Click onto "Bill Search and Legislative Information." Click onto "New York State Laws," then on to "New York State Consolidated Laws," then "Agriculture & Markets," and "Article 26." There will be a listing of laws. Select one or two to discuss as a class. Why are they important?

Follow-up Activities:

- Using a topic -- if possible determined by the students themselves (otherwise one of two or more ideas suggested by the teacher) -- divide the class into groups advocating differing points of view. Have the students research their topic in the library and on the Internet. Have each group present their findings and recommendations to the class. Conduct a brief debate between the groups for different viewpoints for each topic discussed. Students may wish to address situations that occur within the school itself. For example:

a) Chick-Hatching (opt-in and out is now permitted: review Education Law provisions for Study and Care of Live Animals in Section 809-2).

- Should chick-hatching be required in elementary schools?
- Should chick-hatching be banned in elementary schools?
- Should teachers and students be allowed to opt-in or out of chick-hatching projects?



b) Frog-Dissection and dissection of other animals and animal-parts (opt-in and out is now permitted: review Education Law provisions for dissection of animals in Section 809-4).

- Should animal-dissection be required in elementary schools?
- Should animal-dissection be banned in elementary schools?
- Should teachers and students be allowed to opt in or out of animal-dissection projects at the



elementary school level?

- Is there any local or state legislation regarding the topic chosen by the students? Your local humane society should be able to tell you or you can contact the ASPCA Education or Legal Department.
- Have each of several groups of students select an organization that deals with animal welfare, including non-profit organizations, government agencies, and profit-making enterprises. Ask the students to interview spokespersons about how they achieve their objectives and help the communities that they serve such as the local animal-shelter.
- Visit www.assembly.state.ny.us/kids to reach the Kid's Pages of the New York Assembly website. Learn what the assembly does. Who is the current speaker? Who is your assemblyperson?
- Learn about the local and federal laws designed to help protect animals. Visit the ASPCA Law Manual at <http://www.aspca.org/site/PageServer?pagename=disclaimerr>. You will have to register and select a password to use this site. Try to get a local congressperson (your federal representative) or councilperson (your city representative) to address the class concerning the different laws and bills designed to help protect animals.

Resource Organizations:

- Animal Legal Defense Fund 127 Fourth Street, Petaluma, CA 94952, (707) 769-7771
www.aldf.org
- American Society for the Prevention of Cruelty to Animals, 424 East 92nd Street, New York, NY 10128-6804. (212) 876-7700, www.aspca.org
- Association of the Bar of the City of New York, Committee on Legal Issues Pertaining to Animals, 42 West 44th Street, New York, NY 10036, 212-382-6600, www.abcny.org
- Cornell Cooperative Extension, Cornell University, 365 Roberts Hall, Ithaca, NY 14853-5905
www.cce.cornell.edu (For your local county office)
- New York Farm Bureau, Inc., Route 9W, P.O. Box 992, Glenmont, NY 12077-0992
(518) 436-8495, www.nyfb.org
- Farm Sanctuary, P.O. Box 150, Watkins Glen, NY 14891, (607) 583-2225
info@farmsanctuary
- Humane Society of New York, 306 East 59th Street, New York, NY 10022, (212) 752-4842
www.humanesociety.org
- Humane Society of the United States, 2100 L Street, NW, Washington, DC 20037
(202) 452-1100, www.hsus.org
- New York State Bar Association, Special Committee on Animals and the Law, One Elk Street, Albany, NY 12207, (518) 487-5536, www.nysba.org
- New York State Veterinary Medical Society, 9 Highland Avenue, Albany, NY 12205-5417
(518) 437-0787, www.nysvms.org
- Wildlife Conservation Society (Bronx Zoo, etc.), Teacher Workshops, Ann Robinson,

Bronx Zoo Education Department, 2300 Southern Boulevard, Bronx, NY 10460, www.wcs.org
New York State Standards Addressed:

ELA Standard 1 – Language for Information and Understanding:

Students will read, write, listen, and speak for information and understanding.

Listening and Reading

1. Listening and reading to acquire information and understanding involves collecting data, facts, and ideas; discovering relationships, concepts, and generalizations; and using knowledge from oral, written, and electronic sources.

Speaking and Writing

1. Speaking and writing to acquire and transmit information requires asking probing and clarifying questions, interpreting information in one's own words, applying information from one context to another, and presenting the information and interpretation clearly, concisely, and comprehensibly.

ELA Standard 3 - Language for Critical Analysis and Evaluation:

Students will read, write, listen, and speak for critical analysis and evaluation.

Listening and Reading

1. Listening and reading to analyze and evaluate experiences, ideas, information, and issues requires using evaluative criteria from a variety of perspectives and recognizing the difference in evaluations based on different sets of criteria.

MST Standard 4 – Science:

Students will understand and apply scientific concepts, principles, and theories pertaining to the physical setting and living environment and recognize the historical development of ideas in science.

The Living Environment

7. Human decisions and activities have had a profound impact on the physical and living environment.

MST Standard 7 – Interdisciplinary Problem Solving:

Students will apply the knowledge and thinking of mathematics, science, and technology to address real-life problems and make informed decisions.

Connections

1. The knowledge and skills of mathematics, science, and technology are used together to make informed decisions and solve problems, especially those relating to issues of

science/technology/society, consumer decision-making, design, and inquiry into phenomena.

Attachment A

Example of Laws Pertaining to Animals

NEW YORK AGRICULTURE AND MARKETS LAWS

ARTICLE 26. ANIMALS

§ 353. Overdriving, torturing and injuring animals; failure to provide proper sustenance

A person who overdrives, overloads, tortures or cruelly beats or unjustifiably injures, maims, mutilates or kills any animal, whether wild or tame, and whether belonging to himself or to another, or deprives any animal of necessary sustenance, food or drink, or neglects or refuses to furnish it such sustenance or drink, or causes, procures or permits any animal to be overdriven, overloaded, tortured, cruelly beaten, or unjustifiably injured, maimed, mutilated or killed, or to be deprived of necessary food or drink, or who willfully sets on foot, instigates, engages in, or in any way furthers any act of cruelty to any animal, or any act tending to produce such cruelty, is guilty of a misdemeanor, punishable by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or by both.

Nothing herein contained shall be construed to prohibit or interfere with any properly conducted scientific tests, experiments or investigations, involving the use of living animals, performed or conducted in laboratories or institutions, which are approved for these purposes by the state commissioner of health. The state commissioner of health shall prescribe the rules under which such approvals shall be granted, including therein standards regarding the care and treatment of any such animals. Such rules shall be published and copies thereof conspicuously posted in each such laboratory or institution. The state commissioner of health or his duly authorized representative shall have the power to inspect such laboratories or institutions to insure compliance with such rules and standards. Each such approval may be revoked at any time for failure to comply with such rules and in any case the approval shall be limited to a period not exceeding one year.

(Effective 1967, amended 1985.)

§ 353-a. Aggravated Cruelty to Animals (2000)

1. A person is guilty of aggravated cruelty to animals when, with no justifiable purpose, he or she intentionally kills or intentionally causes serious physical injury to a companion animal with aggravated cruelty. For purposes of this section, "aggravated cruelty" shall mean conduct which: (i) is intended to cause extreme physical pain; or (ii) is done or carried out in an especially depraved or sadistic manner.

2. Nothing contained in 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 environmental conservation law, the dispatch of rabid or diseased animals, as provided in article twenty-one of the public health law, or the dispatch of animals posing a threat to human safety or

other animals, where such action is otherwise legally authorized, or any properly conducted scientific tests, experiments, or investigations involving the use of living animals, performed or conducted in laboratories or institutions approved for such purposes by the commissioner of health pursuant to section three hundred fifty-three of this article.

3. Aggravated cruelty to animals is a felony. A defendant convicted of this offense shall be sentenced pursuant to paragraph (b) of subdivision one of section 55.10 of the penal law provided, however, that any term of imprisonment imposed for violation of this section shall be a definite sentence, which may not exceed two years.

(Effective 1999.)

§ 355. Abandonment of Animals (2000)

A person being the owner or possessor, or having charge or custody of an animal, who abandons such animal, or leaves it to die in a street, road or public place, or who allows such animal, if it become disabled, to lie in a public street, road or public place more than three hours after he receives notice that it is left disabled, is guilty of a misdemeanor, punishable by imprisonment for not more than one year, or by a fine of not more than one thousand dollars, or by both.

§ 351. Prohibition of Animal Fighting (2000)

1. For purposes of this section, the term "animal fighting" shall mean any fight between cocks or other birds, or between dogs, bulls, bears or any other animals, or between any such animal and a person or persons, except in exhibitions of a kind commonly featured at rodeos.

2. Any person who engages in any of the following conduct is guilty of a felony and is punishable by imprisonment for a period not to exceed four years, or by a fine not to exceed twenty-five thousand dollars, or by both such fine and imprisonment:

(a) For amusement or gain, causes any animal to engage in animal fighting; or

(b) Trains any animal under circumstances evincing an intent that such animal engage in animal fighting for amusement or gain; or

(c) Permits any act described in paragraph (a) or (b) of this subdivision to occur on premises under his control; or

(d) Owns, possesses or keeps any animal trained to engage in animal fighting on premises where an exhibition of animal fighting is being conducted under circumstances evincing an intent that such animal engage in animal fighting.

3. (a) Any person who engages in conduct specified in paragraph (b) of this subdivision is guilty of a misdemeanor and is punishable by imprisonment for a period not to exceed one year, or by a fine not to exceed fifteen thousand dollars, or by both such fine and imprisonment.

(b) The owning, possessing or keeping of any animal under circumstances evincing an intent that such animal engage in animal fighting.

4. (a) Any person who engages in conduct specified in paragraph (b) hereof is guilty of a misdemeanor and is punishable by imprisonment for a period not to exceed one year, or by a fine not to exceed one thousand dollars, or by both such fine and imprisonment.

(b) The knowing presence as a spectator having paid an admission fee or having made a wager at any place where an exhibition of animal fighting is being conducted.
(Effective 1984.)