



Legislative Roundtable

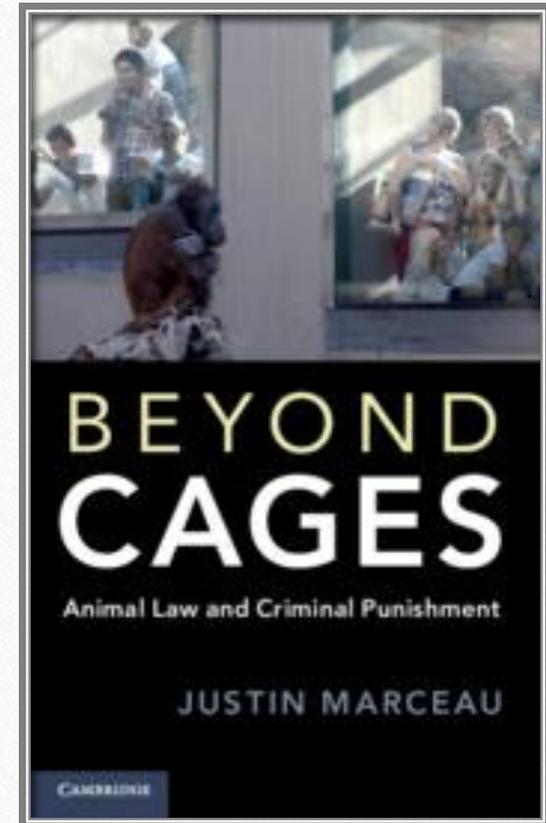
- 9th Annual Animal Cruelty Prosecution Conference

Trends

- Justin Marceau – Beyond Cages – Animal Law & Criminal Punishment
- NCJFCJ/ALDF Technical Assistance Bulletin
- Mandatory Veterinary Reporting
- Juveniles
- Firearm Bans
- USDA
- Legislative Update
- Resources

Justin Marceau

Beyond Cages – Animal Law and Criminal
Punishment



Beyond
Cages –
Animal Law
and
Criminal
Punishment

The animal protection movement has relied too much on criminal punishment

Animal movement is out of step with other progressive movements, given the current focus on mass incarceration as a problem

Reliance on incarceration is deployed in a completely racist manner

People need to be held accountable, but they don't need to go to jail because collateral consequences are so large

We don't have the data to show the same racial disparity in animal cruelty prosecutions

Arrestees	Total	White	Black
Assault	454,151	64%	30%
Homicide	3,250	43.6%	53%
Burglary/B&E	49,165	68.8%	26.8%
Robbery	20,343	41.1%	54.9%
Stolen Property	26,613	61.2%	33.5%
Animal Cruelty	756	80.6%	16.1%

FBI 2017 – Six Arrestee Categories

National Incident Based
Reporting System (NIBRS)

The Animal Law Podcast - Episode 50



ANIMAL LAW PODCAST #50: JUSTIN MARCEAU ON ANIMAL LAW AND CRIMINAL PUNISHMENT

By [Mariann Sullivan](#) — July 24, 2019

On this episode of the Animal Law Podcast, I speak once again with [Justin Marceau](#), author of the controversial new book [Beyond Cages: Animal Law and Criminal Punishment](#). We discuss why he believes there has been an overemphasis on criminal prosecution of animal abuse as a strategy for systemic change and what types of cruelty he believes are, and are not, appropriate for traditional forms of criminal prosecution and punishment. He also discusses the fundamental importance of informing the fight to protect animals with current thinking regarding racism and mass incarceration and how the the punishments we traditionally use for animal cruelty crimes are not only ineffective in addressing institutionalized violence, but potentially are counterproductive in that they can be responsible for causing increased criminal behavior.

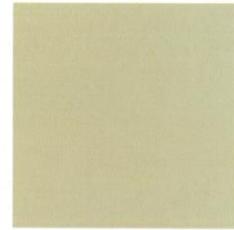
Justin Marceau is Professor of Law and the Animal Legal Defense Fund Professor at Sturm College of Law at the University of Denver. He also serves as the reporter for the pattern criminal jury instruction committee of the U.S. Court of Appeals for the Tenth Circuit, and as an inaugural member of the animal welfare committee (PAW) formed by a proclamation of the Governor of Colorado to advise the First Gentleman on strategies for improving the protection of animals in Colorado. He is the recipient of numerous awards, including the Justice for Animals Award and the Colorado Criminal Defense Bar's Gideon Award.

Marceau's research focuses on criminal law and constitutional law, particularly as those areas intersect with social change. He specifically writes in the areas of Habeas Corpus, Constitutional Law, and Animal Law. His current research is at the intersection of animal law and criminal law.

His work has appeared in some of the leading academic publications, including the Cambridge University

National Council
of Juvenile and
Family Court
Judges (NCJFCJ)
and ALDF

The Link Letter –
September 2019



NCJFCJ
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NATIONAL COUNCIL OF
JUVENILE AND FAMILY COURT JUDGES
WWW.NCJFCJ.ORG



**ANIMAL LEGAL
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Animal Cruelty Issues

What Juvenile and Family
Court Judges Need to Know



NCJFCJ and ALDF Technical Assistance Bulletin

New Research Regarding the Link

- Early research proposed a “violence graduation” hypothesis
- More recent studies now subscribe to a “general deviance” theory as the best explanation for the link

NCJFCJ and ALDF Technical Assistance Bulletin

New Research Regarding the Link

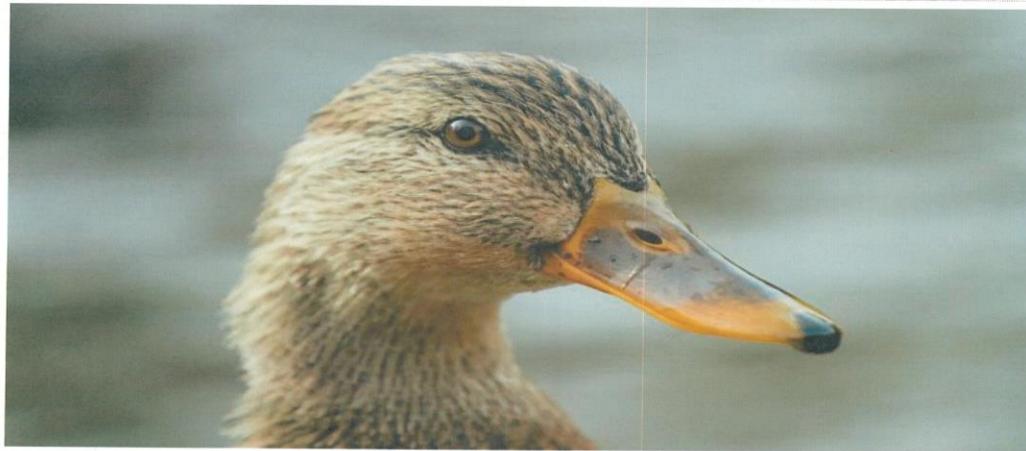
- “Animal cruelty is one of several anti-social or ‘deviant’ behaviors that certain people may engage in concurrently or at various points throughout their lives”
- “Abuse of humans and abuse of animals are manifestations of the same, underlying violent, controlling behaviors”

NCJFCJ and ALDF Technical Assistance Bulletin

Juvenile Offenders

- The majority of children who abuse animals will not go on to commit extreme violence against humans, but it has been identified as a marker for underlying issues such as conduct disorder.
- Animal cruelty in general is not a reliable predictor for extreme violence; however, certain types of animal abuse, specifically hands-on abuse of companion animals for entertainment, may be a statistically significant predictor for extreme violence.

THE EPOCH TIMES



Stock photo of a duck. (Björn Antonissen/Unsplash)

CRIME AND INCIDENTS

High School Football Players Suspended After Duck Was Killed: Reports

BY MIMI NGUYEN LY

September 7, 2019 Updated: September 7, 2019

Several **football** players at a New Hampshire **high school** have been **suspended** for up to several games after a video surfaced on social media showing a **duck** being beaten with a broomstick, according to reports.

Three to six students at Kennett High School in Conway are to be suspended for up to five games, as part of their https://www.theepochtimes.com/high-school-football-players-suspended-after-duck-was-killed-reports_3072571.html

Child Endangerment

- Arkansas [2009 Ark. Act 33 § 5-4-702\(b\)](#), Illinois 510 ILCS 70/3.01, Oregon ORS §167.320; and Puerto Rico Act 154 (P.S. 2552) within chapter 2 §5(c)(i)(c) already call for enhanced penalties for animal cruelty committed in front of a child.
- NY (A2664/S3327) – Amends definition of child endangerment to include committing acts of animal cruelty in presence of a child.
- NY(A831) – Increases penalties for aggravated animal cruelty from 2-4 years if committed in presence of a child.



Mandatory Veterinary Reporting

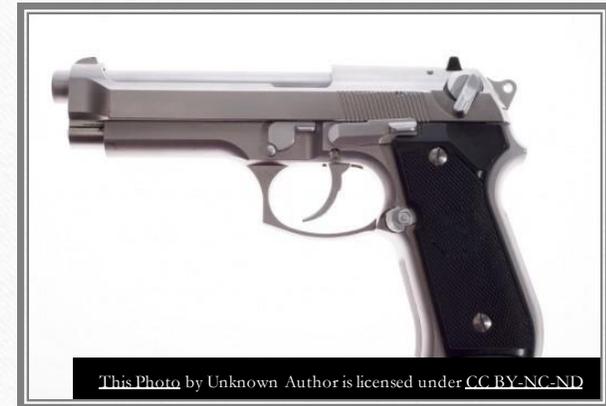


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- Provisions in 18 States
- (AL, AZ, CA, CO, IL, KS, ME, MD, MA, MN, MO, NE, OK, OR, RI, VA, WV, WI)
- MSPCA – Reports increased 46%

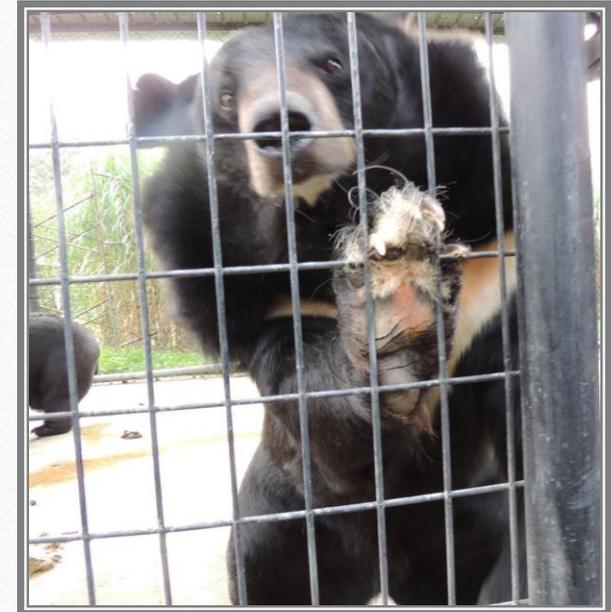
Firearm Bans

- AVERT Future Gun Violence Act of 2019 (Animal Violence Exposes Real Threat of Future Gun Violence) (H.R. 971) – Amends Title 18 to prohibit possession of a firearm by a person who has been convicted of misdemeanor animal cruelty
- NY and NJ introduced similar bills
- IL State Crime Commission



USDA – Wilson Wild Animal Park

- Early August 2019 – USDA issues clean inspection report
- August 15th - Virginia Office of AG (Michelle Welch) executes a search warrant – seizes animals (including lions, tigers, bears, camels, goats, water buffalo)
- August 30th – State court rules that the defendant cruelly treated, neglected, or deprived the animals of adequate care. Grants custody of the animals to the Commonwealth of Virginia
- Court orders defendant to post a \$300,000 appeal bond



USDA -Puppy Love Kennel in MO

- In October of this year, Missouri Attorney General Eric Schmitt initiated legal action against Cory Mincey, the operator of Puppy Love Kennel.
- The attorney general stated, "Despite multiple inspections, missed inspections, and official letters of warning from the [MO] Department of Agriculture, Cory Mincey and Puppy Love Kennel have shown that they cannot responsibly breed or care for dogs. There are laws in place to ensure responsible, safe breeding in the sstate of Missouri—laws that Puppy Love Kennel has repeatedly violated. The conditions that dogs were subjected to at Puppy Love Kennel were horrible and inexcusable."
- According to the Missouri Alliance for Animal Legislation: "Shockingly, the [USDA] has given clean inspection reports on Puppy Love Kennel in spite of findings by MDA."

Some of the dogs at Puppy Love Kennel



Legislative Update

- The PAWS Act is law! Now what??
- Preventing Animal Cruelty and Torture Act—awaiting president's signature
- S 1590, Rescuing Animals With Rewards (RAWR) Act—passed Senate
- HR 2808, the Child and Animal Abuse Detection and Reporting Act
- HR 4211, the Animal Welfare Enforcement Improvement Act

Resources

- Animal Legal Defense Fund <https://aldf.org/article/online-resources-for-prosecutors-and-law-enforcement/>
- American Society for the Prevention of Cruelty to Animals <https://www.aspcapro.org/search?keywords=Prosecuting%20Animal%20Abuse%20Guidebook>
- Animal Legal and Historical Center <https://www.animallaw.info/>
- Animal Welfare Institute <https://awionline.org/content/legislation> <https://awionline.org/content/animals-family-violence>
- Association of Prosecuting Attorneys—connection to all the experts here! <https://www.apa-inc.org/programs-2/animal-abuse-prosecution-project/>

Resources, cont'd.

- Humane Society of the U.S.
 - <https://www.humanesociety.org/resources/disaster-faq>
 - <https://www.humanesociety.org/resources/puppy-mill-and-animal-fighting-rewards>
 - <https://www.humanesociety.org/humane-state>
 - <https://www.humanesociety.org/resources/law-enforcement-training>
- National Animal Care and Control Association <https://www.nacanet.org/webinars/>
- National Sheriffs' Association/National Law Enforcement Center on Animal Abuse <https://www.sheriffs.org/programs/national-law-enforcement-center-animal-abuse>

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