



IMPROVING ANIMAL CRUELTY AND DOMESTIC VIOLENCE LAWS

Presented by:

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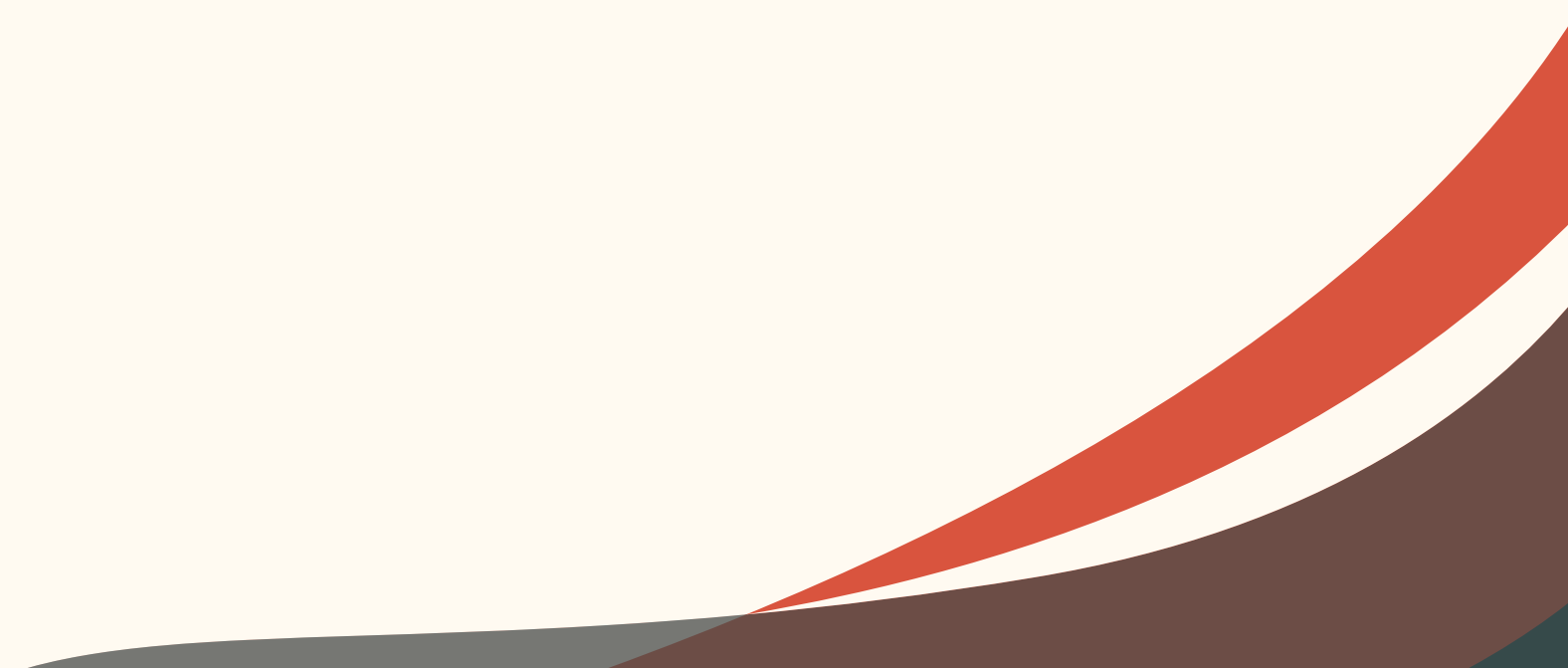
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GAPS IN NEW MEXICO STATE LAW

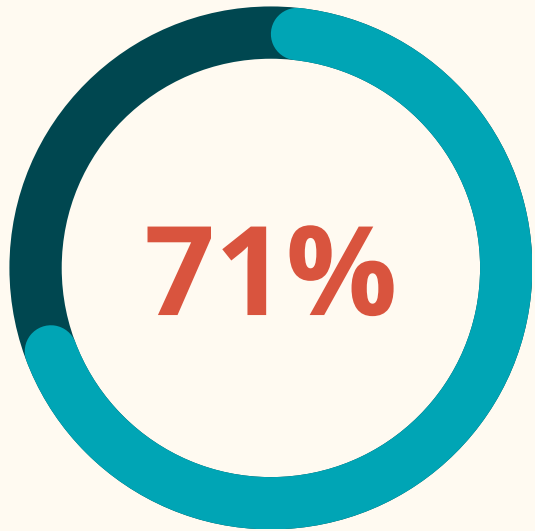
➤ **Animals are not currently recognized in the definition of abuse.**

- Nationwide data show that people who abuse animals are more likely to abuse humans.
- If a human is being abused, there is a good chance that animals in the home are at risk of harm, too.

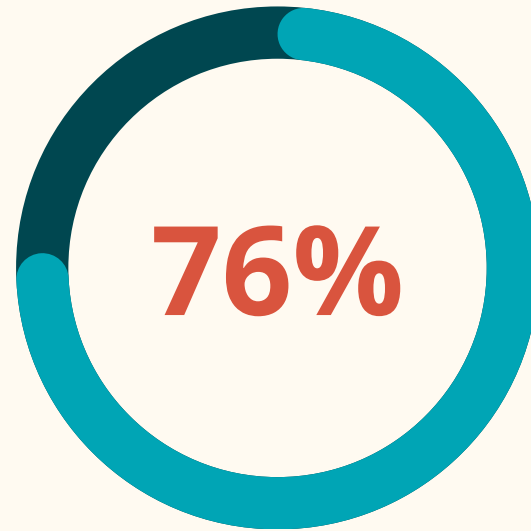
➤ **There is no provision allowing for animals in Orders of Protection.**

- Without explicit animal-related protections, survivors may fear leaving pets behind and may have fewer clearly defined options for addressing animal safety through an order of protection.
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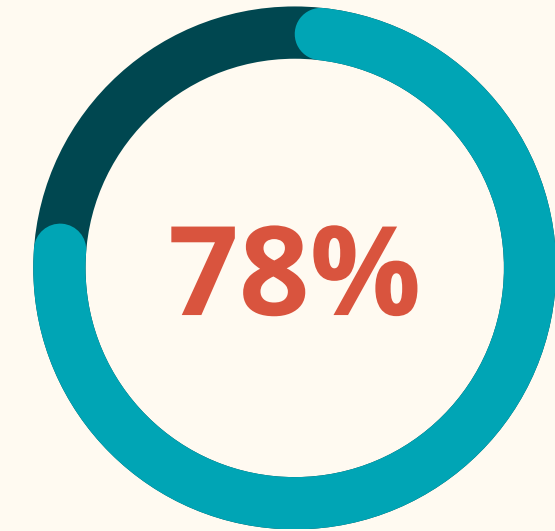
UNDERSTANDING THE LINK



Up to 71% of survivors say their animals were threatened, harmed, or killed by their abuser



76% of domestic violence occurs in the presence of children

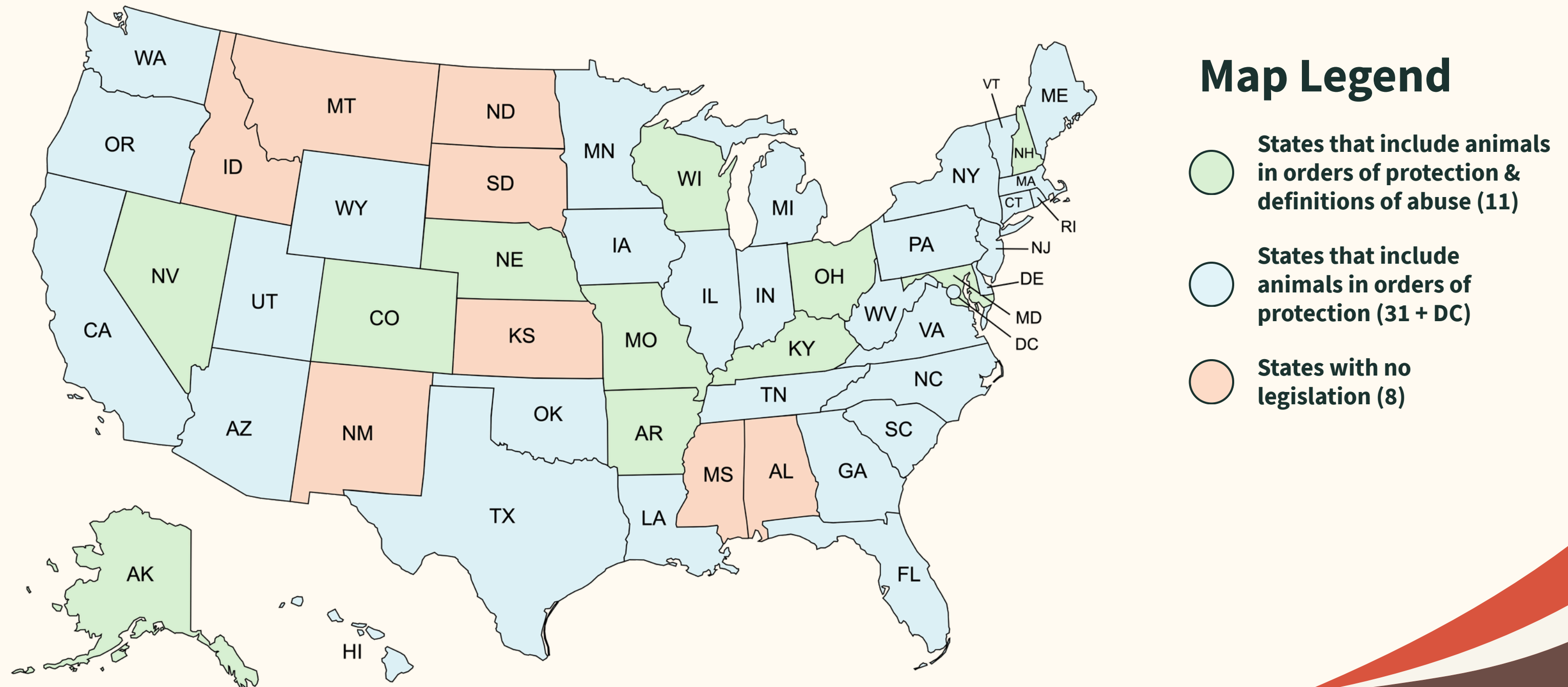


78% of children tried to protect animals targeted by their abuser

Children exposed to animal abuse are more likely to engage in the abuse of other animals and people, often mimicking the behavior of the perpetrator.

WHERE NEW MEXICO RANKS NATIONALLY

New Mexico is only 1 of 8 states lacking this type of legislative protection.



THE SOLUTION: AMEND THE FAMILY VIOLENCE PROTECTION ACT

➤ Add “harm or threats to harm an animal” to the definition of abuse.

- Recognizes the link between animal and human abuse.
- Early intervention is proven to help break the cycle of abuse.

➤ Require courts to include animals in orders of protection.

- Gives survivors tools to safely leave abusive situations.
- Strengthens protections for both people and animals experiencing violence.
- Brings New Mexico in line with the growing number of states recognizing the connection between human and animal safety.





NEW MEXICO'S CRUELTY STATUTE NEEDS IMPROVEMENT

- **Last updated in 2001.**
- **Gaps** in protection.
- **Barriers** to enforcement.
- **Unintended** consequences.

30-18-1. CRUELTY TO ANIMALS; EXTREME CRUELTY TO ANIMALS;
PENALTIES; EXCEPTIONS.

30-18-1.1. SEIZURE OF ANIMALS; NOTICE.

30-18-1.2. DISPOSITION OF SEIZED ANIMALS.

30-18-1.3. COSTS.

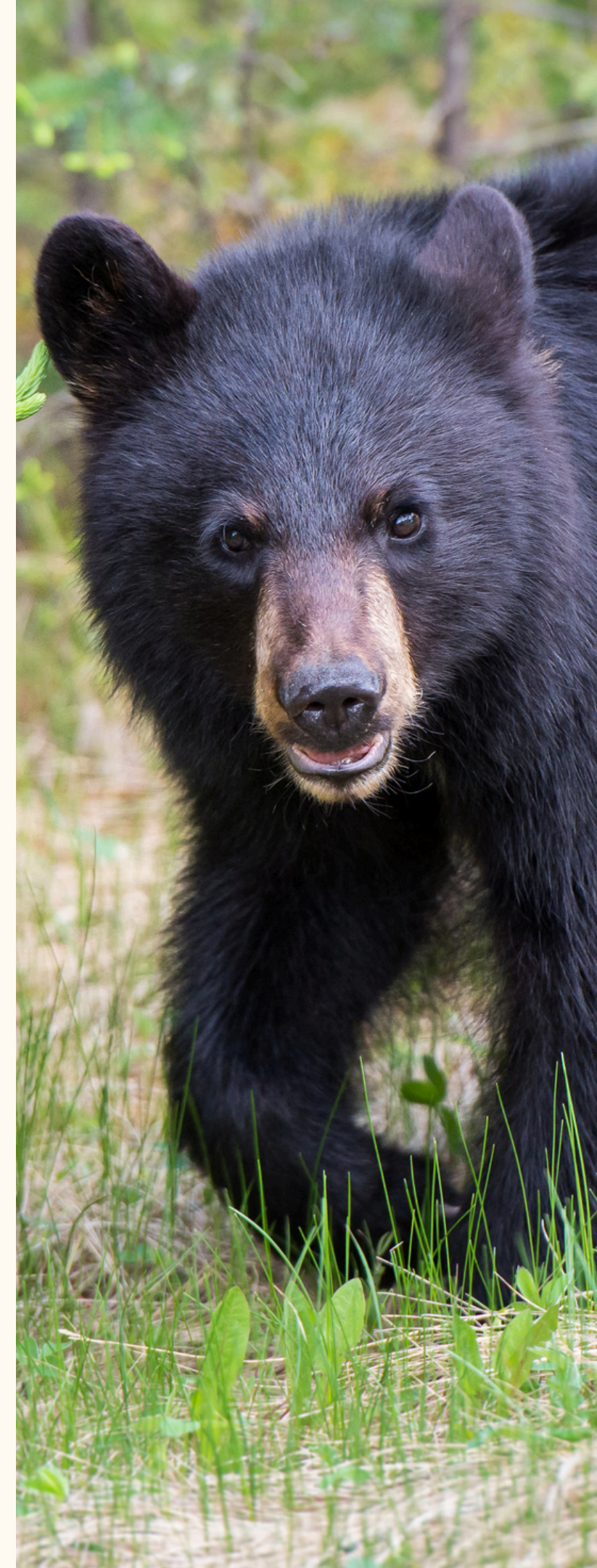


BUILDING A LAW THAT IS CLEAR, ENFORCEABLE, FAIR & EFFECTIVE

- Legal and policy research — Ongoing
- Consultation with key stakeholders — Ongoing
- Statewide telephone survey — January 2024
- Focus groups — August 2024
- **Our guiding question:** How can the law better prevent cruelty, support effective response, and produce appropriate outcomes?

WHO DOES THE LAW PROTECT?

- No affirmative definition of “animal”
- Reptiles & Insects: Explicitly excluded from statutory protection.
- Wildlife: Supreme Court interpretation means no protection for wildlife in the wild.



WHO SHOULD THE LAW PROTECT?

Various Animals That Cruelty Laws Should Apply To				
	Yes	No	Depends	Don't Know/ Won't Say
Animals kept as pets or companions, such as dogs, cats, birds, and horses	95%	3%	1%	1%
Animals considered livestock, such as cows, sheep, and chickens	82%	13%	4%	1%
Animals considered wildlife, such as bears, elk, and coyotes	78%	14%	7%	2%
Reptiles and amphibians, like snakes and frogs	71%	20%	6%	3%
Fish	63%	26%	6%	4%

Data provided by Research & Polling, Inc., 2024



LEGAL GAPS & ANOMALIES

- **Inconsistent two-tier structure:** “Cruelty” vs. “extreme cruelty”
 - No clear distinction between neglect and abuse
 - No clear hierarchy of harm.
 - Inconsistent *mens rea*: uses “negligently,” “intentionally,” and “maliciously,” but not “knowingly” or “recklessly.”
- **Undefined terms and inadequate care standards:** No definition of “abandonment” or “necessary sustenance”; no explicit minimum standards for food, water, shelter, and veterinary care.

NEW MEXICANS WANT CONSEQUENCES TO MATCH SEVERITY OF CRUELTY

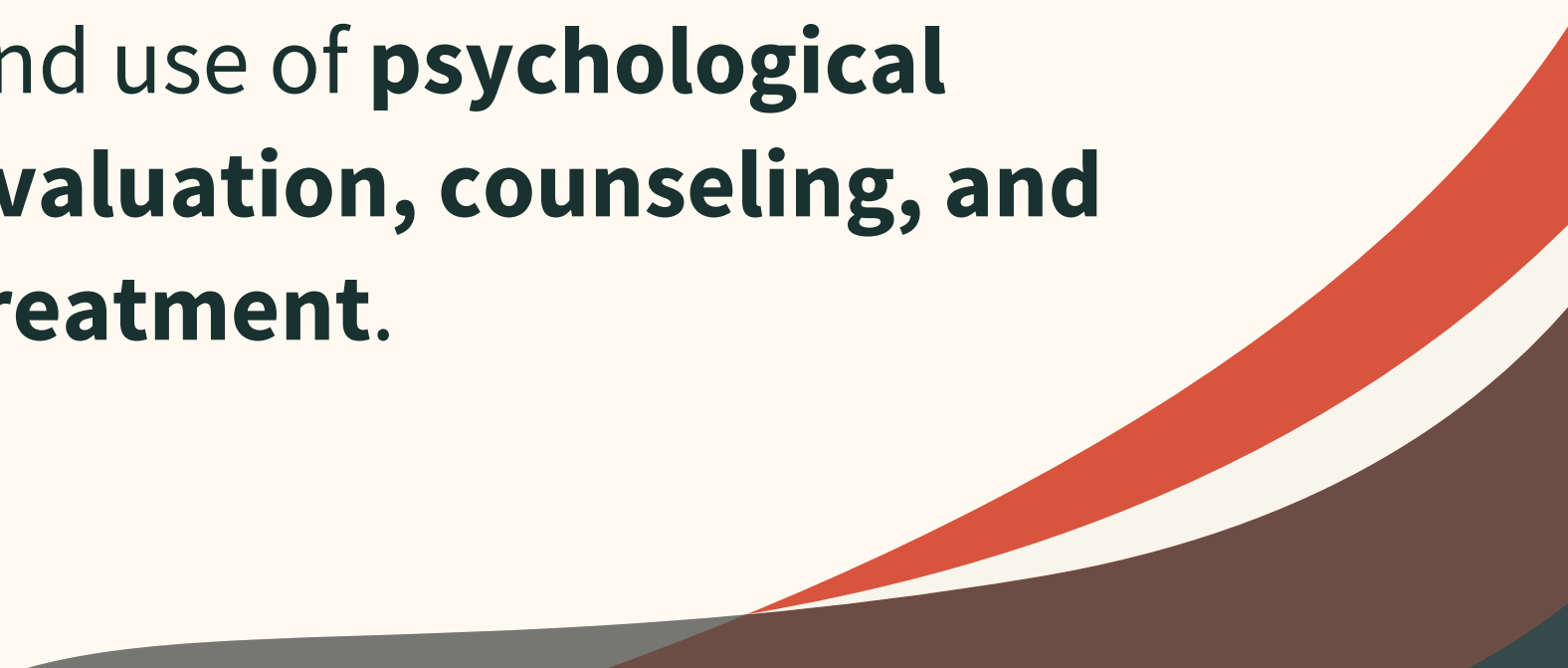
Punishment Severity for Various Acts of Animal Cruelty							
	Very Severe Punishment 5	4	3	2	No Punishment 1	Depends	Don't Know/ Won't Say
Maliciously killing an animal such as beating it to death	87%	6%	4%	*	1%	1%	1%
Failing to provide food, water, or shelter to an animal, which results in its death	74%	15%	8%	1%	1%	*	*
Intentionally injuring an animal	70%	15%	8%	3%	2%	2%	*
Abandoning an animal	56%	17%	18%	6%	2%	*	*
Keeping a dog chained outdoors full-time	40%	22%	19%	8%	6%	4%	1%

Data provided by Research & Polling, Inc., 2024

PRE-CONVICTION SEIZURE, DISPOSITION & COST OF CARE

- Current law reportedly fails to support timely, effective resolution.
- **One Bernalillo County case:**
 - **70+ dogs** seized after years of documented neglect.
 - \$60,000+ spent caring for **7 dogs** that owner refused to relinquish.
 - **6 ultimately euthanized** after years in shelter kennels.

POST-CONVICTION SENTENCING OPTIONS

- No provision allowing courts to **prohibit animal possession** when necessary to prevent future cruelty.
 - Need to strengthen access to and use of **psychological evaluation, counseling, and treatment.**
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SUPPORT FOR NON-CARCERAL SENTENCING

Appropriateness of Possible Punishments for Someone Convicted of Neglecting an Animal			
	Yes	No	Don't Know/ Won't Say
A fine of up to \$1,000	83%	15%	2%
Prohibition against owning or working with animals	82%	14%	4%
Mandatory psychological evaluation and counseling	77%	20%	3%
Community service	73%	24%	3%
A fine of \$1,000 or more	73%	23%	4%
Jail time for less than a year	61%	34%	6%
Jail time for 1 to 5 years	55%	39%	6%

Data provided by Research & Polling, Inc., 2024

A close-up photograph of a person with dark hair holding a ginger and white cat. The cat is looking directly at the camera with its paws resting on the person's shoulder. The person is wearing a bright orange garment.

ANIMAL PROTECTION IS COMMUNITY PROTECTION

Effective animal cruelty laws help communities:

- Protect animals from preventable suffering.
 - Support law enforcement, prosecutors, shelters, and local governments.
 - Address dangerous patterns of behavior before they escalate.
 - Strengthen accountability while creating opportunities for offender rehabilitation.
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- A decorative graphic in the bottom right corner consisting of overlapping curved shapes in red, grey, and white.



THANK YOU

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