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I N   S E N A T E

(PREFILED)

January 8, 2014

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Introduced by Sen. O'BRIEN -- read twice and ordered printed, and when printed to be committed to the Committee on Codes

AN ACT to amend the penal law, in relation to knowingly possessing or harboring a hostile dog

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 265.01 of the penal law is amended by adding a new  
2     subdivision 9 to read as follows:  
3     (9) HE OR SHE KNOWINGLY POSSESSES OR HARBORS ANY DOG THAT, BY TEMPER-  
4     AMENT, NATURE, OR PAST BEHAVIOR, IS INCLINED TO BE HOSTILE AND:  
5     (A) ATTACKS A PERSON, WITHOUT PROVOCATION, THEREBY CAUSING SERIOUS  
6     PHYSICAL INJURY OR DEATH TO SUCH PERSON; OR  
7     (B) (I) IS NOT LICENSED, (II) DOES NOT HAVE A CURRENT VACCINATION FOR  
8     RABIES, (III) DOES NOT HAVE A VALID IDENTIFICATION TAG PURSUANT TO  
9     SECTION ONE HUNDRED TWELVE OF THE AGRICULTURE AND MARKETS LAW, AND (IV)  
10    CANNOT BE RESTRAINED FROM CHASING, WORRYING, OR ATTACKING ANY PERSON  
11    UNDER THE AGE OF SIXTEEN; OR  
12    (C) HE OR SHE HAS REFUSED TO SURRENDER THE DOG AS REQUIRED BY A JUDI-  
13    CIAL ORDER ISSUED PURSUANT TO SECTION ONE HUNDRED TWENTY-ONE OF THE  
14    AGRICULTURE AND MARKETS LAW; OR  
15    (D) HE OR SHE USES THE DOG IN THE COMMISSION OF A CRIME.  
16    S 2. This act shall take effect on the first of November next succeed-  
17    ing the date on which it shall have become a law.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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