S T A T E O F N E W Y O R K

1089

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. McDONOUGH, FITZPATRICK -- Multi-Sponsored by -- M. of A. MILLER, THIELE -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to attacks on service dogs and their users

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

Section 1. Section 121 of the agriculture and markets law is amended by adding two new subdivisions 2-a and 2-b to read as follows:

2-A. THE OWNER OF A DOG WHO, THROUGH ANY ACT OR OMISSION, NEGLIGENTLY PERMITS HIS OR HER DOG TO ATTACK AND INJURE ANY SERVICE DOG, GUIDE DOG OR HEARING DOG, OR TO BITE AND CAUSE SERIOUS PHYSICAL INJURY TO THE PERSON USING SUCH SERVICE DOG, GUIDE DOG OR HEARING DOG, SHALL BE SUBJECT TO A CIVIL PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS IN ADDITION TO ANY OTHER APPLICABLE PENALTIES. IF THE SERVICE DOG, GUIDE DOG OR HEARING DOG, AND THE PERSON USING SUCH DOG ARE BOTH INJURED, THEN THE FINE APPLICABLE UNDER THIS SUBDIVISION SHALL BE INCREASED TO TWO THOUSAND DOLLARS. ANY SUCH PENALTY MAY BE REDUCED BY ANY AMOUNT WHICH IS PAID AS RESTITUTION BY THE OWNER OF THE DOG TO THE PERSON OR PERSONS SUFFERING SERIOUS PHYSICAL INJURY AS COMPENSATION FOR UNREIMBURSED MEDICAL EXPENSES, LOST EARNINGS AND OTHER DAMAGES RESULTING FROM SUCH INJURY.

2-B. THE OWNER OF A DOG WHO, THROUGH ANY ACT OR OMISSION, NEGLIGENTLY PERMITS HIS OR HER DOG, WHICH HAD PREVIOUSLY BEEN DETERMINED TO BE DANGEROUS PURSUANT TO THIS ARTICLE, TO ATTACK AND INJURE ANY SERVICE DOG, GUIDE DOG OR HEARING DOG, OR TO BITE AND CAUSE SERIOUS PHYSICAL INJURY TO THE PERSON USING SUCH SERVICE DOG, GUIDE DOG OR HEARING DOG, SHALL BE GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN TWO THOUSAND DOLLARS, OR BY A PERIOD OF IMPRISONMENT NOT TO EXCEED NINETY DAYS, OR BY BOTH SUCH FINE AND IMPRISONMENT IN ADDITION TO ANY OTHER

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

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APPLICABLE PENALTIES. IF THE SERVICE DOG, GUIDE DOG, OR HEARING DOG, AND THE PERSON USING SUCH DOG ARE BOTH INJURED, THEN THE FINE APPLICABLE UNDER THIS SUBDIVISION SHALL BE INCREASED TO FOUR THOUSAND DOLLARS. ANY SUCH PENALTY MAY BE REDUCED BY ANY AMOUNT WHICH IS PAID AS RESTITUTION BY THE OWNER OF THE DOG TO THE PERSON OR PERSONS SUFFERING SERIOUS PHYSICAL INJURY AS COMPENSATION FOR UNREIMBURSED MEDICAL EXPENSES, LOST EARNINGS AND OTHER DAMAGES RESULTING FROM SUCH INJURY.

S 2. This act shall take effect immediately.