

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 ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. Section 121 of the agriculture and markets law is amended
2 by adding two new subdivisions 2-a and 2-b to read as follows:
3 2-A. THE OWNER OF A DOG WHO, THROUGH ANY ACT OR OMISSION, NEGLIGENTLY
4 PERMITS HIS OR HER DOG TO ATTACK AND INJURE ANY SERVICE DOG, GUIDE DOG
5 OR HEARING DOG, OR TO BITE AND CAUSE SERIOUS PHYSICAL INJURY TO THE
6 PERSON USING SUCH SERVICE DOG, GUIDE DOG OR HEARING DOG, SHALL BE
7 SUBJECT TO A CIVIL PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS IN ADDI-
8 TION TO ANY OTHER APPLICABLE PENALTIES. IF THE SERVICE DOG, GUIDE DOG OR
9 HEARING DOG, AND THE PERSON USING SUCH DOG ARE BOTH INJURED, THEN THE
10 FINE APPLICABLE UNDER THIS SUBDIVISION SHALL BE INCREASED TO TWO THOU-
11 SAND DOLLARS. ANY SUCH PENALTY MAY BE REDUCED BY ANY AMOUNT WHICH IS
12 PAID AS RESTITUTION BY THE OWNER OF THE DOG TO THE PERSON OR PERSONS
13 SUFFERING SERIOUS PHYSICAL INJURY AS COMPENSATION FOR UNREIMBURSED
14 MEDICAL EXPENSES, LOST EARNINGS AND OTHER DAMAGES RESULTING FROM SUCH
15 INJURY.
16 2-B. THE OWNER OF A DOG WHO, THROUGH ANY ACT OR OMISSION, NEGLIGENTLY
17 PERMITS HIS OR HER DOG, WHICH HAD PREVIOUSLY BEEN DETERMINED TO BE
18 DANGEROUS PURSUANT TO THIS ARTICLE, TO ATTACK AND INJURE ANY SERVICE
19 DOG, GUIDE DOG OR HEARING DOG, OR TO BITE AND CAUSE SERIOUS PHYSICAL
20 INJURY TO THE PERSON USING SUCH SERVICE DOG, GUIDE DOG OR HEARING DOG,
21 SHALL BE GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN
22 TWO THOUSAND DOLLARS, OR BY A PERIOD OF IMPRISONMENT NOT TO EXCEED NINE-
23 TY 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.

LBD01381-01-9

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

8 S 2. This act shall take effect immediately.