

1761

2009-2010 Regular Sessions

I N A S S E M B L Y

January 12, 2009

Introduced by M. of A. MORELLE, CARROZZA, PHEFFER, ORTIZ -- Multi-Sponsored by -- M. of A. COOK, CYMBROWITZ, GALEF, HIKIND, HOOPER, HOYT, MAYERSOHN, McENENY, MILLMAN, SCHIMMINGER, WEISENBERG -- read once and referred 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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