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

2105

2009-2010 Regular Sessions

I N A S S E M B L Y

January 15, 2009

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

AN ACT to amend the agriculture and markets law and the administrative code of the city of New York, in relation to banning dangerous dogs from certain homes with children

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 a new subdivision 2-a to read as follows:

2-A. NO PERSON SHALL OWN OR HARBOR A DANGEROUS DOG IN A DWELLING WHERE CHILDREN UNDER THE AGE OF TWELVE RESIDE. (A) FOR PURPOSES OF THIS SUBDIVISION, A DANGEROUS DOG SHALL ALSO INCLUDE ANY DOG THAT IS ACQUIRED, RAISED, OR MAINTAINED FOR FIGHTING, GUARDING, PROTECTING OR IMAGE ENHANCEMENT; OR TRAINED, PERMITTED OR ENCOURAGED TO BEHAVE AGGRESSIVELY.

(B) A VIOLATION OF THIS SUBDIVISION SHALL BE DEEMED A MISDEMEANOR AND SUBJECT TO A PENALTY IN THE SUM OF NOT MORE THAN FIVE HUNDRED DOLLARS FOR THE FIRST VIOLATION, NOR MORE THAN ONE THOUSAND DOLLARS OR IMPRISONMENT OF NOT MORE THAN SIX MONTHS, OR BOTH, FOR A SECOND OFFENSE, AND EACH SUBSEQUENT VIOLATION WITHIN A FIVE YEAR PERIOD SHALL BE SUBJECT TO A FINE OF ONE THOUSAND DOLLARS AND A PERIOD OF IMPRISONMENT OF NOT MORE THAN ONE YEAR.

S 2. Subdivision c of section 17-342 of the administrative code of the city of New York, as added by local law number 2 of the city of New York for the year 1991, is amended to read as follows:

c. "Dangerous dog" means (1) any dog that when unprovoked, approaches, or menaces any person in a dangerous or terrorizing manner, or in an apparent attitude of attack, upon the streets, sidewalks, or any public grounds or places; or (2) any dog with a known propensity, tendency or disposition to attack when unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or (3) any dog which bites, inflicts injury, assaults or otherwise attacks a human

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

LBD05347-01-9

being or domestic animal without provocation on public or private property; or (4) any dog owned or harbored primarily or in part for the purpose of dog fighting, GUARDING, PROTECTING, OR IMAGE ENHANCEMENT; OR ANY DOG TRAINED, PERMITTED, OR ENCOURAGED TO BEHAVE AGGRESSIVELY; or any dog trained for dog fighting.

S 3. Section 17-343 of the administrative code of the city of New York is amended by adding a new subdivision c to read as follows:

C. NO PERSON SHALL OWN OR HARBOR A DANGEROUS DOG IN A DWELLING WHERE CHILDREN UNDER THE AGE OF TWELVE RESIDE.

S 4. Section 17-350 of the administrative code of the city of New York is amended by adding a new subdivision d to read as follows:

D. IN ADDITION TO THE PENALTIES PRESCRIBED BY SUBDIVISION A OF THIS SECTION, ANY PERSON WHO IS FOUND TO HAVE REPEATEDLY VIOLATED SUBDIVISION C OF SECTION 17-343 OF THIS SUBCHAPTER OR ANY RULE OR REGULATION PROMULGATED HEREUNDER, SHALL BE SUBJECT TO A FINE OF NOT MORE THAN ONE THOUSAND DOLLARS OR BY IMPRISONMENT OF NO MORE THAN SIX MONTHS, OR BOTH, FOR A SECOND OFFENSE; AND EACH SUBSEQUENT VIOLATION WITHIN A FIVE YEAR PERIOD SHALL BE SUBJECT TO A FINE OF ONE THOUSAND DOLLARS AND A PERIOD OF IMPRISONMENT OF NOT MORE THAN ONE YEAR.

S 5. Section 17-351 of the administrative code of the city of New York, as added by local law number 2 of the city of New York for the year 1991, is amended to read as follows:

S 17-351 Enforcement. Authorized officers, veterinarians and employees of the department, EMPLOYEES OF THE LOCAL SOCIAL SERVICES DISTRICTS, and of the police department, and any other persons designated by the commissioner, shall be empowered to enforce the provisions of this subchapter or any rule or regulation promulgated hereunder.

S 6. This act shall take effect on the ninetieth day after it shall have become a law.