

710

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. BING, REILLY, COLTON, MARKEY, MAYERSOHN, TITONE, EDDINGTON, JOHN -- Multi-Sponsored by -- M. of A. DelMONTE, GORDON, MAISEL, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to restricting ownership of vicious dogs

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

1 Section 1. The penal law is amended by adding a new section 270.40 to
2 read as follows:
3 S 270.40 UNLAWFUL OWNERSHIP OF A VICIOUS DOG.
4 A PERSON IS GUILTY OF UNLAWFUL OWNERSHIP OF A VICIOUS DOG WHEN SUCH
5 PERSON, HAVING BEEN PREVIOUSLY CONVICTED OF A FELONY OFFENSE DEFINED IN
6 ARTICLE TWO HUNDRED TWENTY OF THIS CHAPTER, OWNS, POSSESSES OR HARBORS A
7 VICIOUS DOG WITHIN FIVE YEARS OF THE COMPLETION OF THE SENTENCE, INCLUD-
8 ING ALL TERMS OF IMPRISONMENT, PAROLE AND PROBATION, IMPOSED UPON
9 CONVICTION OF ANY SUCH FELONY OFFENSE.
10 FOR PURPOSES OF THIS SECTION "VICIOUS DOG" SHALL MEAN ANY DOG THAT
11 WEIGHS TWENTY POUNDS OR MORE AND THAT HAS EITHER BEEN TRAINED TO PHYS-
12 ICALLY ATTACK PERSONS OR HAS EXHIBITED A VICIOUS DISPOSITION OR PROPEN-
13 SITY.
14 UNLAWFUL OWNERSHIP OF A VICIOUS DOG IS A CLASS A MISDEMEANOR.
15 S 2. This act shall take effect on the one hundred eightieth day after
16 it shall have become a law.

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

LBD03066-01-9