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

10085

I N A S S E M B L Y

May 3, 2012

Introduced by M. of A. LUPARDO -- Multi-Sponsored by -- M. of A. GIGLIO, KELLNER, MAGEE, McENENY, REILLY, SALADINO -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to dogs engaged in hunting or training

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

Section 1. Section 122 of the agriculture and markets law is amended by adding a new subdivision 3 to read as follows:

3. NOTWITHSTANDING THE PROVISIONS OF SUBDIVISIONS ONE AND TWO OF THIS SECTION OR SECTION ONE HUNDRED THIRTEEN OF THIS ARTICLE, A DOG THAT HAS BEEN RELEASED FROM ITS CONFINEMENT FOR HUNTING OR TRAINING PURPOSES, IN ACCORDANCE WITH SECTION 11-0923 OF THE ENVIRONMENTAL CONSERVATION LAW, SHALL BE DEEMED TO BE UNDER THE REASONABLE CONTROL OF ITS OWNER OR TRAINER, AND NOT BE DEEMED TO BE RUNNING AT LARGE. A DOG CONTROL OFFICER, PEACE OFFICER ACTING PURSUANT TO HIS OR HER SPECIAL DUTIES OR POLICE OFFICER, WHO IS AUTHORIZED BY A MUNICIPALITY TO ENFORCE ANY LOCAL LAW OR ORDINANCE RELATED TO THE KEEPING AND RUNNING AT LARGE OF DOGS AND THE SEIZURE THEREOF, SHALL MAKE A FAIR AND REASONABLE EFFORT TO DETERMINE WHETHER ANY DOG FOUND OR SUSPECTED OF RUNNING AT LARGE IS A DOG ENGAGED IN HUNTING, TRAINING OR OTHER ACTIVITIES IN ACCORDANCE WITH SECTION 11-0923 OF THE ENVIRONMENTAL CONSERVATION LAW, AND IF SO DETERMINED, SHALL NOT CHARGE THE OWNER OR TRAINER OF SUCH DOG WITH ANY VIOLATION OF ANY LOCAL LAW OR ORDINANCE ENACTED PURSUANT TO THIS SECTION RELATED TO THE KEEPING AND RUNNING AT LARGE OF DOGS.

S 2. This act shall take effect immediately.

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

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