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

1127

2011-2012 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 5, 2011

Introduced by M. of A. BING, REILLY, COLTON, MARKEY, MAYERSOHN, TITONE, HEVESI -- Multi-Sponsored by -- M. of A. 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:

Section 1. The penal law is amended by adding a new section 270.40 to read as follows:

S 270.40 UNLAWFUL OWNERSHIP OF A VICIOUS DOG.

A PERSON IS GUILTY OF UNLAWFUL OWNERSHIP OF A VICIOUS DOG WHEN SUCH PERSON, HAVING BEEN PREVIOUSLY CONVICTED OF A FELONY OFFENSE DEFINED IN ARTICLE TWO HUNDRED TWENTY OF THIS CHAPTER, OWNS, POSSESSES OR HARBORS A VICIOUS DOG WITHIN FIVE YEARS OF THE COMPLETION OF THE SENTENCE, INCLUDING ALL TERMS OF IMPRISONMENT, PAROLE AND PROBATION, IMPOSED UPON CONVICTION OF ANY SUCH FELONY OFFENSE.

FOR PURPOSES OF THIS SECTION "VICIOUS DOG" SHALL MEAN ANY DOG THAT WEIGHS TWENTY POUNDS OR MORE AND THAT HAS EITHER BEEN TRAINED TO PHYSICALLY ATTACK PERSONS OR HAS EXHIBITED A VICIOUS DISPOSITION OR PROPENSITY.

UNLAWFUL OWNERSHIP OF A VICIOUS DOG IS A CLASS A MISDEMEANOR.

S 2. This act shall take effect on the one hundred eightieth day after it shall have become a law.

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

LBD00631-01-1