

S. 6059

A. 8842

S E N A T E - A S S E M B L Y

(PREFILED)

January 4, 2012

IN SENATE -- Introduced by Sen. FARLEY -- read twice and ordered printed, and when printed to be committed to the Committee on Agriculture

IN ASSEMBLY -- Introduced by M. of A. TEDISCO -- read once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to increasing penalties for the owners of dangerous dogs

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

1 Section 1. Subdivisions 6, 7 and 8 of section 123 of the agriculture
2 and markets law, as amended by chapter 392 of the laws of 2004, subdivi-
3 sions 7 and 8 as amended by chapter 526 of the laws of 2005, and such
4 section as renumbered by section 18 of part T of chapter 59 of the laws
5 of 2010, are amended and a new subdivision 15 is added to read as
6 follows:

7 6. The owner of a dog who, through any act or omission, negligently
8 permits his or her dog to bite a person, service dog, guide dog or hear-
9 ing dog causing physical injury shall be subject to a civil penalty not
10 to exceed [four hundred] ONE THOUSAND dollars in addition to any other
11 applicable penalties.

12 7. The owner of a dog who, through any act or omission, negligently
13 permits his or her dog to bite a person causing serious physical injury
14 shall be subject to a civil penalty UP TO A CLASS E FELONY PUNISHABLE BY
15 A FINE OF not to exceed [one] FIVE thousand [five hundred] dollars in
16 addition to any other applicable penalties. Any such penalty may be
17 reduced by any amount which is paid as restitution by the owner of the
18 dog to the person or persons suffering serious physical injury as
19 compensation for unreimbursed medical expenses, lost earnings and other
20 damages resulting from such injury.

21 8. The owner of a dog who, through any act or omission, negligently
22 permits his or her dog, which had previously been determined to be
23 dangerous pursuant to this article, to bite a person causing serious
24 physical injury, shall be guilty of a [misdemeanor] CLASS E FELONY

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

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1 punishable by a fine of not more than [three] FIVE thousand dollars, or
2 by a period of imprisonment not to exceed [ninety days] TWO YEARS, or by
3 both such fine and imprisonment in addition to any other applicable
4 penalties. Any such fine may be reduced by any amount which is paid as
5 restitution by the owner of the dog to the person or persons suffering
6 serious physical injury as compensation for unreimbursed medical
7 expenses, lost earnings and other damages resulting from such injury.

8 15. ANY PERSON FOUND TO BE IN VIOLATION OF SUBDIVISION SIX, SEVEN OR
9 EIGHT OF THIS SECTION AND WHO HAS EVER BEEN CONVICTED OF ANY FELONY
10 OFFENSE UNDER TITLE H OF PART THREE OF THE PENAL LAW SHALL BE SUBJECT TO
11 FURTHER INVESTIGATION, INCLUDING, BUT NOT LIMITED TO A SEARCH OF SUCH
12 PERSON'S PERSONAL AND REAL PROPERTY AND THE SEIZURE OF ANY ILLEGAL MATE-
13 RIALS.

14 S 2. This act shall take effect on the sixtieth day after it shall
15 have become a law.