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

2836

2011-2012 Regular Sessions

I N A S S E M B L Y

January 20, 2011

Introduced by M. of A. MORELLE, PHEFFER, ORTIZ -- Multi-Sponsored by -- M. of A. COOK, CYMBROWITZ, GALEF, HIKIND, HOOPER, HOYT, MAYERSOHN, McENENY, MILLMAN, SCHIMMINGER, WEISENBERG -- read once and referred to the Committee on Codes

AN ACT to amend the penal law, in relation to knowingly possessing or harboring a hostile dog

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

Section 1. Section 265.01 of the penal law is amended by adding a new subdivision 9 to read as follows:

(9) HE OR SHE KNOWINGLY POSSESSES OR HARBORS ANY DOG THAT, BY TEMPERAMENT, NATURE, OR PAST BEHAVIOR, IS INCLINED TO BE HOSTILE AND:

(A) ATTACKS A PERSON, WITHOUT PROVOCATION, THEREBY CAUSING SERIOUS PHYSICAL INJURY OR DEATH TO SUCH PERSON; OR

(B) (I) IS NOT LICENSED, (II) DOES NOT HAVE A CURRENT VACCINATION FOR RABIES, (III) DOES NOT HAVE A VALID IDENTIFICATION TAG PURSUANT TO SECTION ONE HUNDRED TWELVE OF THE AGRICULTURE AND MARKETS LAW, AND (IV) CANNOT BE RESTRAINED FROM CHASING, WORRYING, OR ATTACKING ANY PERSON UNDER THE AGE OF SIXTEEN; OR

(C) HE OR SHE HAS REFUSED TO SURRENDER THE DOG AS REQUIRED BY A JUDICIAL ORDER ISSUED PURSUANT TO SECTION ONE HUNDRED TWENTY-ONE OF THE AGRICULTURE AND MARKETS LAW; OR

(D) HE OR SHE USES THE DOG IN THE COMMISSION OF A CRIME.

S 2. This act shall take effect on the first of November next succeeding the date on which it shall have become a law.

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

LBD05710-01-1