

2904

2013-2014 Regular Sessions

I N   A S S E M B L Y

January 22, 2013

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Introduced by M. of A. McDONOUGH, STEVENSON, MALLIOTAKIS, CASTRO -- read  
once and referred to the Committee on Agriculture

AN ACT to amend the agriculture and markets law, in relation to attacks  
on service dogs and their users

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

1     Section 1. Section 121 of the agriculture and markets law is amended  
2     by adding two new subdivisions 2-a and 2-b to read as follows:  
3     2-A. THE OWNER OF A DOG WHO, THROUGH ANY ACT OR OMISSION, NEGLIGENTLY  
4     PERMITS HIS OR HER DOG TO ATTACK AND INJURE ANY SERVICE DOG, GUIDE DOG  
5     OR HEARING DOG, OR TO BITE AND CAUSE SERIOUS PHYSICAL INJURY TO THE  
6     PERSON USING SUCH SERVICE DOG, GUIDE DOG OR HEARING DOG, SHALL BE  
7     SUBJECT TO A CIVIL PENALTY NOT TO EXCEED ONE THOUSAND DOLLARS IN ADDI-  
8     TION TO ANY OTHER APPLICABLE PENALTIES. IF THE SERVICE DOG, GUIDE DOG OR  
9     HEARING DOG, AND THE PERSON USING SUCH DOG ARE BOTH INJURED, THEN THE  
10    FINE APPLICABLE UNDER THIS SUBDIVISION SHALL BE INCREASED TO TWO THOU-  
11    SAND DOLLARS. ANY SUCH PENALTY MAY BE REDUCED BY ANY AMOUNT WHICH IS  
12    PAID AS RESTITUTION BY THE OWNER OF THE DOG TO THE PERSON OR PERSONS  
13    SUFFERING SERIOUS PHYSICAL INJURY AS COMPENSATION FOR UNREIMBURSED  
14    MEDICAL EXPENSES, LOST EARNINGS AND OTHER DAMAGES RESULTING FROM SUCH  
15    INJURY.  
16    2-B. THE OWNER OF A DOG WHO, THROUGH ANY ACT OR OMISSION, NEGLIGENTLY  
17    PERMITS HIS OR HER DOG, WHICH HAD PREVIOUSLY BEEN DETERMINED TO BE  
18    DANGEROUS PURSUANT TO THIS ARTICLE, TO ATTACK AND INJURE ANY SERVICE  
19    DOG, GUIDE DOG OR HEARING DOG, OR TO BITE AND CAUSE SERIOUS PHYSICAL  
20    INJURY TO THE PERSON USING SUCH SERVICE DOG, GUIDE DOG OR HEARING DOG,  
21    SHALL BE GUILTY OF A MISDEMEANOR PUNISHABLE BY A FINE OF NOT MORE THAN  
22    TWO THOUSAND DOLLARS, OR BY A PERIOD OF IMPRISONMENT NOT TO EXCEED NINE-  
23    TY DAYS, OR BY BOTH SUCH FINE AND IMPRISONMENT IN ADDITION TO ANY OTHER  
24    APPLICABLE PENALTIES. IF THE SERVICE DOG, GUIDE DOG, OR HEARING DOG, AND  
25    THE PERSON USING SUCH DOG ARE BOTH INJURED, THEN THE FINE APPLICABLE

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

LBD02120-01-3

1 UNDER THIS SUBDIVISION SHALL BE INCREASED TO FOUR THOUSAND DOLLARS. ANY  
2 SUCH PENALTY MAY BE REDUCED BY ANY AMOUNT WHICH IS PAID AS RESTITUTION  
3 BY THE OWNER OF THE DOG TO THE PERSON OR PERSONS SUFFERING SERIOUS PHYS-  
4 ICAL INJURY AS COMPENSATION FOR UNREIMBURSED MEDICAL EXPENSES, LOST  
5 EARNINGS AND OTHER DAMAGES RESULTING FROM SUCH INJURY.  
6 S 2. This act shall take effect immediately.