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

4518--A

2013-2014 Regular Sessions

I N A S S E M B L Y

February 5, 2013

Introduced by M. of A. TEDISCO -- Multi-Sponsored by -- M. of A. FINCH, KATZ, MALLIOTAKIS, McDONOUGH, McKEVITT, McLAUGHLIN, OAKS, RIVERA, TENNEY -- read once and referred to the Committee on Agriculture -- recommitted to the Committee on Agriculture in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

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

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

LBD07891-02-4

8. The owner of a dog who, through any act or omission, negligently permits his or her dog, which had previously been determined to be dangerous pursuant to this article, to bite a person causing serious physical injury, shall be guilty of a [misdemeanor] CLASS E FELONY punishable by a fine of not more than [three] FIVE thousand dollars, or by a period of imprisonment not to exceed [ninety days] TWO YEARS, or by both such fine and imprisonment in addition to any other applicable penalties. Any such fine may be reduced by any amount which is paid as restitution by the owner of the dog to the person or persons suffering serious physical injury as compensation for unreimbursed medical expenses, lost earnings and other damages resulting from such injury.

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

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